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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10/2019

HEMANT VERMA @ HEMANT GOGNA Petitioner

Through: Ms Gayatri Nandwani and Ms Mudita
Sharda, Advocates alongwith
petitioner in person.

versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Through: Mr Rizwan, Advocate for R-
1/GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.01.2019**

CM No.36/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 10/2019 & CM No.35/2019

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 28.11.2018 passed by the District Magistrate, whereby, the application of respondent no. 2 & 3 under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, was accepted and the petitioner has been directed to vacate the premises bearing no.C-166B, Hari Nagar, New Delhi. Although, the petitioner has an alternative remedy of filing an appeal under Rule 22(3) (4) of the said Rules. The petitioner has not availed of the said remedy and has approached this Court under Article 226 of the Constitution of India.

3. At the outset, the learned counsel appearing for the petitioner

submitted that the petitioner would voluntarily vacate the premises and he would not challenge the impugned order. She, however, requests that the petitioner may be afforded some time to make an alternative arrangement since, the petitioner has been staying in the premises for several years. This Court finds the aforesaid request to be reasonable considering that the petitioner has volunteered to give up his challenge to the impugned order and voluntarily accept the same.

4. In view of the above, it is directed that the impugned order shall not be executed for a further period of two months from today.

5. In the meanwhile, the concerned police authorities – the SHO, P.S Hari Nagar – is directed to ensure that the due protection is granted to the respondents, who are senior citizens.

6. It is clarified that in case the petitioner does not vacate the premises on or before 07.03.2019, the SHO, P.S. Hari Nagar, shall forthwith evict the petitioner from the premises in question. This would be in addition to any further remedies that the respondents may have.

7. It is also clarified that this indulgence has been granted to the petitioner on the statement made on his behalf, and failure on the part of the petitioner to voluntarily vacate the premises within a period of two months would also invite action under the Contempt of Courts Act, 1971.

8. The petition is disposed of in the aforesaid terms.

9. The pending application is also disposed of.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 08, 2019/MK