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

+ W.P.(C) 7696/2019

SH. RANBIR SINGH @ RANBEER SINGH
AND ANR.

..... Petitioners

Through: Mr Pravesh Kumar, Advocate.
versus

THE HON'BLE DISTRICT MAGISTRATE
AND ORS.

..... Respondents

Through: Mr Satinder Singh Bawa, Advocate
for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.07.2019

CM No.31999/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 7696/2019 & CM No. 32000/2019

2. The petitioners have filed the present petition impugning an order dated 20.06.2019 passed by the District Magistrate, *inter alia*, directing the petitioners to vacate the property bearing no. A-34, Street No.1, West Nathu Colony, Shahdara, Delhi-110093. The said order was passed pursuant to a complaint made by respondent nos.2 and 3, under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (as amended from time to time). Petitioner no.1 is the son of respondent nos.2 and 3 and petitioner no.2 is his wife.

3. Respondent nos.2 and 3 had filed a complaint, *inter alia*, alleging ill treatment on the part of the petitioners.

4. The learned counsel appearing for the petitioners seeks to assail the

said order on the ground that respondent nos.2 and 3 are in illegal occupation of the said property. He states that although all relatives of senior citizens can be evicted from the self-acquired property of the senior citizens as well as their joint and ancestral property; they cannot be evicted from the property which is in their illegal possession. He states that documents as produced by respondent nos.2 and 3 are forged and fabricated.

5. This Court had pointedly asked the learned counsel appearing for the petitioners as to whether the petitioners have any documents to substantiate their right to occupy the said property and he fairly stated that there are no such documents with the petitioners indicating their right, title or interest in the said property.

6. It is not necessary for this Court to examine any issue relating to the respondent nos. 2 and 3's right/title to the said properties. As admittedly, the petitioners have no right to occupy the same.

7. It is also clear that the object of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and the Rules made thereunder, ensure that the senior citizens are able to reside in peace and with dignity in the evening of their lives. The focus of the said Act is not to determine the question as to the title of immovable properties or to adjudicate disputes relating to property.

8. It is also relevant to note that by virtue of the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules, 2009, the scope of Rule 22(3) of the said Rules was expanded to also include properties other than self-acquired properties. Clauses (i) and (iv) of Rule 22(3) as amended by the Delhi Welfare of Parents and Senior Citizen (Amendment) Rules, 2017, reads as under:

(i) A senior citizen/parents may make an application before the Deputy Commissioner/District magistrate of his district for eviction of his son and daughter or legal heir from his property of any kind whether movable or immovable, ancestral or self acquired, tangible or intangible and include rights or interests in such property on account of his non-maintenance and ill treatment.

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(iv) The Deputy Commissioner/District Magistrate during summary proceedings for the protection of senior citizen/parents shall consider all the relevant provisions of the said Act. If the Deputy Commissioner/District Magistrate is of opinion that any son or daughter or legal heir of a senior citizen/parents is not maintaining the senior citizen and ill treating him and yet is occupying the property of any kind whether movable or immovable, ancestral or self acquired, tangible or intangible and include rights or interests in such property of the senior citizen, and that they should be evicted. The Deputy Commissioner/District Magistrate shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause as to why an order of eviction should not be issued against them/him/her.

9. In view of the above, the present petition is unmerited and this Court finds no infirmity with the order passed by the District Magistrate.

10. The petition is, accordingly, dismissed. The pending application is disposed of.

VIBHU BAKHRU, J

JULY 19, 2019/ MK