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

+ **W.P.(C) 8379/2019**

SH. VISHAL SUGANDH

..... Petitioner

Through: Mr Gurmit Singh Hans and Mr Vishal
Soni, Advocates.

versus

THE STATE THROUGH GOVT. OF NCT OF DELHI

AND ORS.

..... Respondents

Through: Ms Hetu Arora Sethi, ASC, GNCTD
with Mr Siddharth Agarwal,
Advocate for R-1 to R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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02.08.2019

CM No.34620/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 8379/2019 & CM No.34619/2019

2. Given the limited relief proposed to be granted, this Court does not consider the need to issue notice to the respondents.

3. The petitioner has filed the present petition impugning an order dated 20.07.2019 passed by the District Magistrate, District North-West, directing the petitioner to be evicted from 50% of the shop bearing no.5346-A, S. N. Marg, Behind G. B. Road, Delhi-110006. The petitioner states that the said order has been passed on a complaint filed by respondent no.4 (the petitioner's father) under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009. The petitioner states that the District Magistrate (District North-West) has no jurisdiction to entertain the said complaint, as neither the properties nor the complainant are located or residing within the jurisdiction of the North-West District. He also states

that prior to filing of the complaint before the District Magistrate (District North-West), respondent no.4 had filed a complaint before the District Magistrate (Central), Darya Ganj, which was dismissed.

4. This Court is not inclined to examine this controversy in the present petition as an appeal has been filed by the petitioner before the Divisional Commissioner.

5. The learned counsel appearing for respondent no.2 (Divisional Commissioner) fairly states that a time and date may be fixed for the Divisional Commissioner to examine the petitioner's appeal.

6. In this view, the petitioner is directed to appear in the first instance before the Divisional Commissioner on 19.08.2019 at 11:00 AM. Respondent no.2 is requested to consider the petitioner's appeal and dispose of the same as expeditiously as possible. Respondent no.2 may also consider the petitioner's application for stay of the order impugned in this petition.

7. In the meantime, the enforcement of the impugned order is stayed till 19.08.2019.

8. The petitioner shall ensure that a copy of the present order is served upon the complainant (respondent no. 4)

9. The petition is disposed of. The pending application is also disposed of.

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

VIBHU BAKHRU, J

AUGUST 02, 2019/MK