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

+ W.P.(C) 13647/2019

HARVINDER SINGH

..... Petitioner

Through: Mr. Sidharth Tyagi, Advocate.

versus

GOVERNMENT OF NCT THROUGH: THE STANDING
COUNSEL (CIVIL) & ORS Respondents

Through: Mr. Vipul Pankaj and Ms. Ananya
Kar Sanghi, Advocates for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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23.12.2019

C.M. No. 55072/2019 (exemption)

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

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3. The present writ petition under Article 226 of the Constitution of India inter alia seeks an appropriate writ, order or direction to Respondent No. 2 for early disposal of Petitioner's application for eviction of Respondent Nos. 3 to 5 from his flat bearing municipal No. E-13, D.D.A. Flats, Saket, Near Press Enclave, New Delhi – 110017, pending under the Delhi Maintenance & Welfare of Parents & Senior Citizens Rules, 2009 and Delhi Maintenance & Welfare of Parents & Senior Citizens (Amendment) Rules, 2016.

4. Learned counsel for the Petitioner states that he had filed the aforementioned Application for eviction on 03.06.2019 and the same is yet to be decided. In terms of the summary procedure provided under Rule 3(1) of the Delhi Maintenance & Welfare of Parents & Senior Citizens (Amendment) Rules, 2016, after filing of the application for eviction by senior citizen, the application has to be forward by the Deputy Commissioner (DC) / District Magistrate (DM) to the SDM within a period of fifteen days. Thereafter, the SDM shall submit its report to the DC /DM for final orders within 21 days from the date of receipt of the complaint/application. The report of the SDM was filed on 31.10.2019 and the same has not disputed by the Petitioner. Learned counsel for Respondent No.1 and 2 submits that since there is a suit for declaration filed by Respondent No. 3, copy whereof has also been annexed along with the petition, the application of the Petitioner cannot be possibly be decided during the pendency of the said suit.

5. Be that as it may, since in the present petition, the petitioner seeks a limited relief of expeditious disposal of the application, one way or the other, the Court considers no impediment in granting such a relief, having regard to the beneficial legislation in question and the summary procedure provided thereon for disposal of such application.

6. In view of the above, the present writ petition is allowed and Respondent No. 2 is directed to decide the application of the Petitioner in accordance with law within a period of two months from today.

7. Needless to say, the Court has not expressed any view on the merits of the case.

8. The Registry shall dispatch the order of the copy to Respondent No. 2.

SANJEEV NARULA, J

DECEMBER 23, 2019

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