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

+ **W.P.(C) 5091/2018 & CM APPL. 19701/2018**

SMT SHANTI

..... Petitioner

Through: Ms Charu Ambwani, Advocate.

versus

THE APPELLATE COURT OF DIVISIONAL  
COMMISSIONER AND ORS.

..... Respondents

Through: Ms Hetu Arora Sethi, ASC with Mr  
Sidharth Agarwal, Advocate for R-1  
& 2.

Mr Anil Kumar Sharma and Mr  
Sandeep Kumar, Advocates for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**  
**18.07.2019**

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1. The petitioner has filed the present petition impugning an order dated 13.04.2018 passed by the District Magistrate under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (as amended from time to time) (hereafter 'the Rules').
2. It is pointed out that the petitioner has also filed an appeal before the Divisional Commissioner. However, the same was not entertained. The Divisional Commissioner had passed an order dated 27.04.2018, *inter alia*, holding that an appeal is only maintainable by senior citizens and parents and not by legal heirs. The said order was passed by referring to Section 16 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

3. It is not disputed that the said view is erroneous. This Court in ***Sudesh Chhikara v. State (Government of National Capital Territory of Delhi): W.P. (C) 11703 of 2018 decided on 13.11.2018*** and in several other decisions has held that the Rule 22(3)(4) of the Rules provides for a specific remedy of an appeal before the Division Commissioner against any order passed by the District Magistrate under Rule 22(3) of the Rules. The *locus* to file the said appeal under Rule 22(3)(4) of the Rules is not limited to senior citizens/parents alone.

4. In view of the above, the order dated 27.04.2018 passed by the Divisional Commissioner is set aside and the appeal is restored before the Divisional Commissioner to decide the same after affording the parties an opportunity of being heard.

5. *Status quo* will be maintained till the disposal of the appeal.

6. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.

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

**VIBHU BAKHRU, J**

**JULY 18, 2019**  
**RK**