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

+ **W.P.(C) 8867/2024, CM APPL. 36034/2024**

SHRI RAM KISHAN

..... Petitioner

Through: Mr. Ashish Mohan, Mr. Sultan Choudhary, Mr Parvesh Kumar, Mr. Pankaj Gautam, Mr. Ashish Ojha, Mr. Sachin Choudhary and Mr. Nitin Garg, Advocates.

versus

THE STATE, GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD with Ms. Arshya Singh, Mr. Yash Upadhyay, Advocates for R-1, 2. Mr. Narendra Kumar, Insp., PS-Mayur Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **02.07.2024**

1. Issue notice. Mr. Anuj Aggarwal, counsel accepts notice on behalf of Respondents No. 1 and 2.
2. The non-compliance of order dated 6th February, 2024 as well as 28th May, 2024 passed by the District Magistrate (East) for eviction has prompted the Petitioner to file the present petition.
3. The background leading to filing of the present petition is as follows:
 - 3.1. The Petitioner, a senior citizen has successfully secured an eviction order dated 6th February, 2024 from the District Magistrate (East), whereby Respondent No. 2 was directed to evict the daughter-in-law and two grandsons of the Petitioner from the disputed property and handover the



possession of the said property to the Petitioner.

3.2. The order of 6th February, 2024 was challenged in W.P. (C) 3682/2024, which was disposed of through order dated 29th April, 2024 by this Court with a direction that there shall be no interference in the order of eviction.

3.3. Subsequent to the afore-noted order, the Petitioner took recourse to the enforcement procedure as prescribed in Rule 3 of Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016,¹ and pursuant thereto, the District Magistrate (East) passed the order dated 28th May, 2024 directing Respondent No. 2 to comply with the order of eviction within 48 hours from the date of receipt of the order i.e, by 30th May, 2024. Since Respondent No.2 has failed to comply with the said directions, the Petitioner has been compelled to approach this Court.

4. At the outset, the Court raised queries regarding the maintainability of the present petition in light of the enforcement procedure provided in the Rules. In response, the Court has been informed that all possible measures have been taken by the Petitioner and since Respondent No. 2 has failed to comply with the directions issued by the District Magistrate (East), there is no other recourse available with the Petitioner.

5. In this background, Mr. Anuj Aggarwal, ASC representing Respondent No. 1, on instructions, states that the orders passed by the District Magistrate shall be positively complied with within a period of five days from today. In light of the same, Respondent No. 1 is held bound to the said statement made by Mr. Aggarwal.

6. Mr. Samrat Nigam, counsel who is present in the Court, states that he



represents the party against whom the eviction order has been passed and informs the Court that they have filed an application for clarification of the order dated 29th April, 2024, disposing of W.P. (C) 3682/2024.

7. Be that as it may, presently there is no stay of the order of the eviction passed by the District Magistrate. Thus, in the opinion of the Court, the direction of eviction must be carried out as has been assured to the Court by Respondent No. 1.

8. The petition, along with all applications, is disposed of.

SANJEEV NARULA, J

JULY 2, 2024

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¹ “the Rules”