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

+ **W.P.(C) 10356/2024**

SH. OM PRAKASH

.....Petitioner

Through: **Mr. Neeraj Kumar Garg, Advocate**

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: **Ms. Hetu Arora Sethi, ASC for
GNCTD with Ms. Kavita Nailwal,
Advocate for R-1.
Mr. Satish Dabas, Advocate for R-2**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

29.07.2024

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CM APPL. 42524/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

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4. The Petitioner seeks directions to the Divisional Commissioner/ Appellate Authority to conclude proceedings initiated under the Maintenance and Welfare of Senior Citizens Act, 2007 within one month.

The present petition seeks following prayers:

“i. Issue a writ, order or direction(s) in the nature of Mandamus or any other appropriate writ, order or directions thereby issuing necessary directions to Ld. DC to follow the mandate of speedy proceedings u/s 16(6)



of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and conclude the proceedings within 1 month and pronounce the order.”

5. It is noticed that this Court, on an earlier occasion, while considering the W.P.(C) 2967/2024 dated 28th February, 2024, passed the following order:

“1. The Petitioner has approached this Court challenging the Order dated 27.10.2023 passed by the Appellate Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “Senior Citizens Act”) whereby the Appellate Authority has stayed the implementation of the Eviction Order dated 25.09.2023 passed by the Ld. District Magistrate.

2. The Ld. District Magistrate vide Order dated 25.09.2023, which is under challenge before the Appellate Authority had allowed the application filed by the Petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 read with Rule 22(2) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2016/2017.

3. In view of the fact that the Order dated 27.10.2023 is only an Interim Order, this Court is not inclined to interfere with the said Order granting stay. However, in view of the fact that the Petitioner herein is a wheel-chair bound and is 70 years of age and the case is listed for hearing on 03.05.2024, this Court requests the Appellate Authority to decide the appeal as expeditiously as possible.

4. With these observations, the writ petition is disposed of, along with pending application(s), if any. It is made clear that this Court has not made any observations on the merits of the case.”

6. Counsel for the Petitioner states that the matter was not heard on 03rd May, 2024 or even on subsequent dates, i.e. 29th May, 2024 and 28th June, 2024.

7. Ms. Kavita Nailwal, counsel for Respondent No.1/GNCTD states that presently the post of Divisional Commissioner is lying vacant and consequently, the matter could not be taken up on the last occasion. She states that the appointment process is still underway and the position is likely to be filled soon.



8. Mr. Satish Dabas, counsel for Respondent No. 2 states that the allegations made in the present petition are malicious. He submits that, in fact, the matter could not be taken up on account of heavy board of the Divisional Commissioner and paucity of time. It is not that Petitioner's case was deliberately not taken up.

9. Be that as it may, the Court has already directed the Appellate Authority to decide the matter expeditiously. Therefore, Court finds no reason to reiterate the said directions. The delay on account of the vacancy, cannot be helped.

10. Accordingly, the present petition along with pending application(s), if any, is disposed of.

SANJEEV NARULA, J

JULY 29, 2024/ab