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

+ W.P.(C) 11909/2024, CM APPL. 58188/2024 & CM APPL.
58189/2024

SHANKER KUMAR GUPTA

.....Petitioner

Through: Mr. T.N. Saxena, Advocate

versus

GOVERNMENT OF NCT OF DELHI

.....Respondent

Through: Ms. Hetu Arora Sethi, ASC for
GNCTD with Mr. Prakhar Mani
Tripathi, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.12.2024

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1. The Petitioner has filed an application dated 18th November, 2020, before the Additional District Magistrate¹, Central District, New Delhi, under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007², for declaring certain transfer of properties by the Petitioner (senior citizen) as void.

2. It is urged that although the pleadings are complete in the proceedings before the ADM, however, for last several scheduled hearings, there has been no progress on account of the vacancies in the appointments of the members of the Tribunal, as provided under Rule 3 of the Delhi Maintenance of Parents and Senior Citizen Rules, 2009.

3. On account of the foregoing, the Petitioner has approached this Court

¹ "ADM"

² "Act"



seeking the following reliefs:

“a) Issue writ of certiorari or any other appropriate writ/ order/directions to respondent to expedite and dispose of the application / petition under section 23 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

b) Grant cost of the present petition to the petitioner against the respondent. c) Pass any other order/s that is deemed fit and proper under the facts and circumstances of the present case.”

4. The Court has carefully considered the contentions raised by the Petitioner. The constitution of the Tribunal, as mandated under Rule 3 of the Delhi Maintenance of Parents and Senior Citizen Rules, 2009, is crucial for effective implementation of the adjudicatory mechanism under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007³. Without the operational Tribunal, the legislative intent behind providing senior citizens with a statutory remedy under Section 23 of the Act would remain unfulfilled, rendering the provisions effectively illusory. Such a lacuna undermines the very essence of the welfare objectives sought to be achieved by the Act and leaves aggrieved senior citizens without an effective forum for grievance redressal.

5. Mr. Udit Malik, counsel for the Respondent states that, in fact, certain progress has been made in terms of the constitution of the Tribunal, however, he is not in a position to give a firm date by which the said constitution of the Tribunal would be finalised.

6. Recognising the impact of undue delay caused due to administrative vacancies, the Court directs the Respondent to prioritise and expedite the process of constituting the Tribunal under Rule 3 of the Delhi Maintenance of Parents and Senior Citizen Rules, 2009. The Respondent is expected to



ensure that all necessary appointments are finalised without any undue delay, thereby enabling the Tribunal to discharge its statutory mandate effectively.

7. With the above directions, the present writ petition is disposed of along with pending applications.

SANJEEV NARULA, J

DECEMBER 5, 2024/ab

³ “Act”