



\$~63

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

+ **W.P.(C) 14297/2024**

SMT. NAVPREET KAUR

.....Petitioner

Through: **Mr. Gautam Narayan, Advocate**

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: **Ms. Hetu Arora Sethi, ASC for
GNCTD with Mr. Arjun Basra,
Advocate for R-1 to 3
Mr. Rajesh Mishra, SPC with Ms.
Meenal Duggal, Ms. Anita R Mishra,
Ms. Arpita Mishra, Advocates for R-4
S.I. Kunal Kumar, P.S. Bindapur**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **09.10.2024**

CM APPL. 59823/2024 (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.

W.P.(C) 14297/2024 & CM APPL. 59824/2024 (for Stay)

4. Through the present writ petition, the Petitioner has challenged the eviction order dated 2nd July, 2024¹ passed by the District Magistrate cum Appellate Tribunal under Rule 22(3) of the Delhi Maintenance and Welfare



of Parents and Senior Citizen Rules, 2016, whereby the Petitioner was directed to vacate the property located at RZ 26, Manas Kunj, Uttam Nagar, New Delhi-110059 (her matrimonial home), within thirty days from the date of the order. It has been highlighted by Mr. Gautam Narayan, counsel for the Petitioner, that the impugned eviction order has been implemented and the Petitioner has been removed from the subject property.

5. At the outset, Mr. Narayan, states that the Petitioner was unaware of the proceedings before the District Magistrate due to lack of proper communication and as such, a copy of the impugned eviction order was not served on her. However, he submits that now the Petitioner has received the copy of the impugned order and she is in the process of availing the statutory remedy of filing an appeal before the Divisional Commissioner under Rule 22(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules, 2016.

6. Mr. Narayan argues that the Petitioner has no place to live and has been forcibly removed from her matrimonial home and an urgent relief is necessary. On this issue, he places reliance on the statement made by Respondent No. 5 herein – the Petitioner’s husband (Respondent No. 2 in the eviction proceedings) which has been recorded in the impugned order to the following effect:

“The Respondent No.2 submitted his reply stating that he is ready to leave the premises and ready to hand over peaceful and vacant possession of the premises in dispute of the above the case. The respondent no.2 has taken premises on rent one BHK flat for respondent no. 1. The respondent no.2 is further ready to undertake to pay further rent and other charges till the continuance of marriage between respondents.”

¹ “Impugned eviction order”



7. In light of the above, Mr. Narayan submits that Respondent No. 5 ought to be bound by the statement made by him in the proceedings before the District Magistrate and the Petitioner should be accommodated in the said rented premises.

8. In light of the above and considering that the Petitioner has an alternate statutory remedy of filing an appeal under Rule 22(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules, 2016, she should avail of such a remedy before approaching this Court under Article 226 of the Constitution of India. Accordingly, the present writ petition is disposed of with the following directions:

- (a) The District Magistrate is directed to provide the complete copy of the record to the Petitioner to enable her to avail the appropriate statutory remedy.
 - (b) The Petitioner is permitted to file an appeal under Rule 22(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules, 2016, along with an appropriate application seeking interim reliefs, before the Appellate Authority of the Divisional Commissioner, which shall be decided by the Link Officer, Mr. Nikhil Kumar, IAS, Secretary (L&B).
 - (c) The Link Officer, Mr. Nikhil Kumar, IAS, Secretary (L&B), is directed to take up the Petitioner's interim application in light of the observations made hereinabove, within a period of two weeks from the date of filing of the appeal by the Petitioner and pass appropriate orders thereon.
9. It is made clear that the Court has not examined the merits of the case. All rights and contentions of the parties are left open.



10. With the above directions, the present writ petition, along with pending applicaton(s), is disposed of.

SANJEEV NARULA, J

OCTOBER 9, 2024/ab