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

+ **W.P.(C) 14423/2024 & CM APPL. 60453/2024**

SHRI ARUN KAUSHIK & ANR.

.....Petitioners

Through: Mr. G.L. Soni, Advocate
versus

**THE DISTRICT MAGISTRATE GOVT. OF NCT OF DELHI &
ANR.**

.....Respondents

Through: Ms. Anjesh Dahiya, Ms. Puhumi
Aditya, Advocates for Mr. Jawahar
Raja, ASC (Civil) for GNCTD

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.10.2024

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1. The present petition assails order dated 11th September, 2024,¹ passed by the District Magistrate (South), M.B. Road, Mehrauli, New Delhi, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, directing the Petitioners to vacate property bearing No. 07, Village Shahpur Jat, New Delhi.²

2. Aggrieved by the impugned order, on 07th October, 2024, Petitioners preferred an appeal under Rule 22(3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016 before the Appellate Authority of Divisional Commissioner. However, it is contended that since the post of Divisional Commissioner is lying vacant, the appeal is

¹ "the impugned order"



not likely to be heard. Therefore, irreparable harm shall be caused to the Petitioners if this Court does not entertain the present petition.

3. However, in the opinion of the Court, the appeal remedy is now available. On this issue, this Court the Division Bench through order dated 25th September, 2024, in LPA 955/2024,³ passed the following order:

“2. Today, learned counsel for the Respondent states that Secretary (L&B) – Mr. Nikhil Kumar, IAS is the link officer for the Secretary (Revenue) cum Divisional Commissioner. She states that Secretary (L&B) is fully empowered to decide the appeal filed by the Respondents No.1 and 2.

3. Consequently, the present appeal along with applications is disposed of with a direction to the Secretary (L&B) working as the link officer for Secretary (Revenue) cum Divisional Commissioner to decide the appeal filed by the Respondents No.1 and 2 by way of a reasoned order after giving an opportunity of hearing to both the parties within four weeks. The rights and contentions of all the parties are left open.”

4. In light of the above, the present writ petition can is disposed of with a direction that Petitioners’ appeal filed through Diary No. 20220000010022 against the impugned order dated 11th September, 2024 along with their request for interim relief, shall be considered by Mr. Nikhil Kumar, IAS, the link officer for the Secretary (Revenue) cum Divisional Commissioner, which shall be dealt with in accordance with law.

5. It is clarified that the Court has not delved into the merits of the case. All rights and contentions of the parties are left open.

6. With the above directions, the present petition along with pending application is disposed of.

SANJEEV NARULA, J

OCTOBER 15, 2024/ab

² “the property in question”

³ titled as *Inder Chand Bajaj v. Arun Bajaj & Ors.*