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

+ **W.P.(C) 15179/2024 & CM APPL. 63594/2024**

SMT PREMVATI

.....Petitioner

Through: **Mr. P.S. Sharma, Advocate**

versus

GOVT OF NCT OF DELHI AND OTHERSRespondents

Through: **Ms. Mehak Nakra, ASC (Civil) for
GNCTD/R-1 with Ms. Gunjan Suyal,
Ms. Anjali Pandey, Advocates
Mr. Jagdish Chandra, CGSC for UOI
with Mr. Shubham Kumar Mishra,
Mr. Shubham Sharma, Advocates and
Mr. Kasuchit Anand, GP for R-2 & 3
Ms. Devika Singh Roy Chowdhury,
Advocate for MCD**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.10.2024

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1. As per the averments made in the instant writ petition, the Petitioner got married to Respondent No. 8 on 07th July, 1970. They were blessed with a son on 16th July, 1971, who is arrayed as Respondent No. 9.
2. The Petitioner has made certain allegations against Respondent No. 8, indicating a longstanding matrimonial dispute. However, it is pertinent to note that the dispute culminated in a decree of divorce granted in 1977. The Petitioner, nonetheless, relies on an order dated 25th January, 1985 passed by the Supreme Court in Civil Appeal No. 3281 of 1979, which established an arrangement between the parties regarding the custody of the child. In this



order, it was further observed that should Respondent No. 8 remarry, it would be open for the Petitioner to apply to the Trial Court for the custody of the child; and if such an application is made, the Trial Court was directed to consider the same on its own merits.

3. Placing reliance on this order, the Petitioner has filed the present writ petition, stating that her son – i.e., Respondent No. 9, who is now 53 years old and currently resides in the Netherlands, intends to visit India to attend a marriage function. The Petitioner contends that, as her son, Respondent No. 9 should assume responsibility for her care. Invoking the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India, the Petitioner seeks a host of reliefs in the nature of mandamus directing Respondents No. 1 to 7 – i.e., GNCTD, Union of India, Indian Passport Agency, the Poland Embassy as well as the Delhi Police, to coordinate and make arrangements for the Petitioner's care, with the assistance of Respondents No. 8 and 9, ensuring that provisions are made for her welfare as a senior citizen.

4. The Court has considered the submissions of the Petitioner. Regarding the Petitioner's reliance on the Supreme Court order from 1985, the Court notes that this reliance reflects a disconnect with the passage of time. The child whose custody was addressed in the said order is now 53 years old, rendering the custody provisions legally ineffective and irrelevant to the current circumstances.

5. Furthermore, the Petitioner can also not invoke the writ jurisdiction of the Court to seek directions of the mandamus against the state entities as is sought in the present writ petition. The nature of the Petitioner's grievance appears to stem from personal grievance with Respondent No. 8 and 9 —



regarding their indifference to make adequate arrangements for her welfare. However, such matters of personal responsibility and family obligations do not fall within the scope of *mandamus*, which is intended to compel a public authority to perform a duty mandated by law. If the Petitioner believes Respondent No. 9 has an obligation to support her under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, she must pursue an appropriate remedy specifically against him, rather than seek a broad direction against the state entities.

6. At this juncture, counsel for the Petitioner states that he would like to withdraw the present writ petition and avail other legal remedies, in accordance with law.

7. Dismissed as withdrawn.

SANJEEV NARULA, J

OCTOBER 28, 2024/ab