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

+ **W.P.(C) 15564/2024**

SUCHIT KUMAR & ORS.

.....Petitioners

Through: Mr. Ashish Negi, Ms. Sushila,
Advocates

versus

STATE & ANR.

.....Respondents

Through: Ms. Rachita Garg, Mr. Agam Rajput,
Ms. Preeti, Advocates for R-1

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **08.11.2024**

CM APPL. 65324/2024 (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) 15564/2024 & CM APPL. 65323/2024 (for stay)

4. The Petitioners are the sons and daughter-in-laws of Respondent No. 2, a senior citizen. They have filed the instant petition impugning order dated 19th March, 2024 passed by the Appellate Authority of Divisional Commissioner. Through the said order, the Divisional Commissioner rejected the Petitioners' appeal against the order of eviction dated 12th January, 2024 passed by the District Magistrate on an application filed by Respondent No. 2, Smt. Sita Devi under the Delhi Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Pursuant to the impugned orders, the Petitioners were directed to vacate the 1st floor of property bearing no. 283-A/9, Amrit Puri-B, Garhi, East of Kailash, New Delhi.¹

5. Mr. Ashish Negi, counsel for the Petitioners, at the outset, states that although the Petitioners have vacated the 1st floor of the subject property in



compliance with the aforementioned directions, however, they are entitled to restoration of the same, and seek setting aside of the impugned orders.

6. Mr. Negi contends that Respondent No. 2 has concealed the fact that she is in possession of two other properties and is earning rental income out of the same. He also submits that the 1st floor of the subject property has been lying vacant for the last six months, and has not been occupied by Respondent No. 2. In order to demonstrate that the first floor of the property is locked and is lying vacant, the Petitioners have attached photographic evidence, which is annexed as Annexure P-11 in the writ petition.

7. The Court has considered the aforementioned contentions, but remains unconvinced. A perusal of the impugned orders reveals that the District Magistrate as well as the Divisional Commissioner have examined the facts of the case and observed that the Petitioners had been interfering with the peaceful possession of Respondent No. 2 in the subject authority. Accordingly, the said courts have concluded that Respondent No. 2, being a senior citizen, has a right to secure possession of the property, and thus, directed the Petitioners to vacate the same. In light of the consistent findings of the two courts, this Court does not find any infirmity in the impugned orders.

8. Whether Respondent No. 2, at this stage, lets out the subject property to a tenant or intends to occupy the same in the coming future, is subject to the discretion of Respondent No. 2, and the Court is not inclined to interfere with the same.

9. The Court finds no merit in the instant petition and accordingly, the same is disposed of along with pending application.

SANJEEV NARULA, J

NOVEMBER 8, 2024/ab