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

+ **W.P.(C) 17292/2024 & CM APPLs. 73617-73618/2024**

SMT NEELAM JAIN AND ANR

.....Petitioners

Through: Mr. Banka Bihari Panda, Mr. Lokesh
Bharti and Mr. Vikas Singh,
Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ORSRespondents

Through: Mr. Sushil Kumar Pandey, SPC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.12.2024

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1. The Petitioners are facing eviction from the property bearing No. 1/3391/A, Ground Floor, Bam Nagar Extension, Shahdara, Delhi-110032,¹ pursuant to order passed by the District Magistrate (Shahdara) on an application filed by Respondents No. 5 and 6 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and rules framed thereunder. The order further stipulates that in the event the Petitioners fail to evict the subject property, the SHO concerned shall evict them forcibly and hand over the possession to the complainants/ Respondents No. 5 and 6.
2. Aggrieved by the said order, the Petitioners have availed their statutory remedy of appeal before the Divisional Commissioner on 2nd December, 2024, along with an application seeking interim relief. The

¹ "the subject property"



Petitioners state that no hearing has been held on the stay application and the as per the hearing notice served on the Petitioners, the date of hearing is now fixed for 10th January, 2025.

3. Apprehending that the Petitioners may be evicted in terms of the order passed by the District Magistrate before the appeal is decided, Petitioners have filed the instant petition seeking stay of the eviction order.

4. Having considered the afore-noted, the Court is particularly mindful of the consequences that may arise from enforcing the eviction order while the Petitioner's appeal is pending. The potential for irreparable harm to the Petitioners, should they be evicted unjustly, calls for a cautious approach. Thus, in order to ensure that the appeal remedy which the Petitioners duly availed is not rendered infructuous, it is directed that the impugned order dated 4th November, 2024 shall not be implemented till 10th January, 2025. The Divisional Commissioner shall examine the merits of the case and pass an order granting interim relief, if so warranted, uninfluenced by the order of stay granted by this Court.

5. In the event, the hearing on 10th January, 2025 does not take place for any reason, the afore-noted directions for stay shall be extended till such time the Petitioners' application for interim relief is taken up by the Divisional Commissioner.

6. It is clarified that this order of stay is only to enable the Petitioners to exercise their legal remedies and is not reflection of the Court's opinion on the merits of the case.

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



8. *Dasti* under signatures of the Court Master.

SANJEEV NARULA, J

DECEMBER 16, 2024/as