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

+ **W.P.(C) 17904/2024**

SATYAWATI DUBEY

.....Petitioner

Through: **Mr. Abhishek Krishna, Advocate**

versus

KUSUM DUBEY AND ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.12.2024

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CM APPL. 76207/2024 (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.

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4. The present writ petition impugns order dated 11th December, 2024 passed by the District Magistrate on an application filed by Respondent No. 1 seeking eviction of the Petitioner from property bearing House No. 405-E, Pocket 2, Mayur Vihar Phase 1, Delhi - 110091. The impugned order reads to the following effect:

“17. Thus, from the aforesaid, after having perused the record, after hearing the parties in detail, and in view of the order of the Ld. ASJ dated 05.10.2024, this Tribunal is of the considered opinion that the eviction of the Respondent No. 2 would not be appropriate. However, during hearing, the Applicant has prayed that she should be permitted to at least collect



her belongings and important documents from the subject property. Thus, in view of the aforesaid facts and circumstances, while the application seeking eviction is dismissed, the Applicant, being a senior citizen, as also the fact that she is the undisputed owner of the subject property, is hereby permitted to collect her belongings from the subject property. The same shall be done in the presence of officials from the O/o of the SDM (Mayur Vihar) and the O/o the SHO (PS Mayur Vihar Ph. 1) within 1 week of the date of this order. The SDM (Mayur Vihar) is directed to coordinate with the parties and fix a time and date for the same. Ordered accordingly.

18. The present order would be appealable under Rule 22(3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, as amended on 19th December, 2016 before the Divisional Commissioner, Delhi. The period of limitation for filing of appeal is 60 days."

5. The Petitioner has not availed the statutory remedy available under Rule 22(3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016 by filing an appeal before the Divisional Commissioner, Delhi and has instead, filed the present writ petition.

6. Since there is an alternate remedy available with the Petitioner, under the aforesaid Rules, the Court is not inclined to entertain the present petition. Nonetheless, counsel for the Petitioner states that the Petitioner is not aggrieved by the final outcome of the decision but is aggrieved by the directions given by the District Magistrate allowing, Respondent No. 1 to collect her belongings from the subject property in the presence of the officials of the SDM and SHO. In the opinion of the Court, the order is reasonable and also has sufficient safeguards to ensure that the removal of the belongings of Respondent No. 1 is done in a smooth manner.

7. In light of the foregoing, the present writ petition, along with pending application, is dismissed.

8. It is clarified that the Court has not commented on the merits of the case and the view expressed by this Court would not come in the way of



Respondent No. 1 taking further action or assailing the order in question, in case she is so advised.

SANJEEV NARULA, J

DECEMBER 24, 2024/ab