



\$~169

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

+ **W.P.(C) 16745/2024, CM APPL. 78791/2025**

BRIJ BIHARI GUPTA

.....Petitioner

Through: Mr. D. K. Singh, Mr. Pankaj
Chauhan, Mr. Virender Rajput, Ms.
Nandini Singh, Advs.

versus

1.ADDITIONAL DISTRICT MAGISTRATE SHAHDARA & ORS.

.....Respondent

Through: Mr. Shiven Varma, Adv. for GNCTD
Mr. Rupesh Kumar Thakur
(Secretary/Department of Social
Welfare) through V/C
Ms. Deeptakirti Verma, Ms. Neha
Sharma, Advs. for R-3

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

18.12.2025

%

1. The present petition has been filed seeking issuance of appropriate directions to respondent no. 1 (concerned Additional District Magistrate, Shahdara) to consider and dispose of the petitioner's application seeking cancellation of the gift deed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. *Vide* order dated 04.11.2025, in view of the submission of the parties that the Tribunal contemplated under Section 7 of the aforesaid Act was not functioning, respondent no. 1 was directed to file a status report regarding the filling up of vacancies of the "Maintenance Tribunal" to be constituted under Section 3 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.



3. Subsequent thereto, a status report dated 25.11.2025 came to be filed by the respondent no.1. The same has been taken note of in the order dated 27.11.2025. *Vide* the said order, directions were issued to the Department of Social Welfare, GNCTD to appoint members to complete the coram of the maintenance tribunal within a period of three weeks from 27.11.2025.

4. Today, pursuant to directions contained in the order dated 15.12.2025, Mr. Rupesh Kumar Thakur, Secretary of the Department of Social Welfare (GNCTD) has joined the proceedings virtually. He submits that the process of filling up the vacancies of “Non-Official Members of the Maintenance Tribunal” is being expedited.

5. It is submitted that even until the appointment of the said Non-Official Members, there is no impediment to the adjudication of matters, inasmuch as the adjudicators functions are to be performed by the concerned ADM, who is the presiding officer. It is submitted that this position flows from Section 7(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which reads as under:-

“ The Tribunal Shall be presided over by an officer not below the rank of Sub-Divisional Officer of a State”.

6. It is submitted that there is nothing in the Act or the Rules which prescribes any mandatory coram so as to restrict the ADM from functioning in the absence of the Non-Official Members.

7. It is further pointed out that a circular dated 17.12.2025 has been issued by the concerned department, which reads as under:-



GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
REVENUE DEPARTMENT: GENERAL ADMINISTRATION BRANCH
5 SHAM NATH MARG DELHI-54

No.F.1(95)/2023/GA/DC/HQ/1949

Dated: 17.12.2025

CIRCULAR

Subject: Directions for strict compliance regarding functioning of Maintenance and Appellate Tribunals under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

In reference to the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (as amended), and in light of the observations of the Hon'ble High Court of Delhi in W.P.(C) No. 16745/2024 (Brij Bihari Gupta v. ADM), attention is invited to the legal position clarified by the Department of Social Welfare regarding the operationalization of Maintenance and Appellate Tribunals.

It is reiterated that as per Section 7(2) of the Act, the adjudicatory authority vests in the Presiding Officer alone. In NCT of Delhi, the Additional District Magistrate is the Presiding Officer of the Maintenance Tribunal and the District Magistrate/Deputy Commissioner is the Presiding Officer of the Appellate Tribunal.

Although Rule 3 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 provides for association of two non-official members, neither the Act nor the Rules prescribe any mandatory quorum or coram, nor restrict the Tribunal from functioning in their absence. Further, Section 8(3) of the Act provides that assistance of persons with special knowledge is discretionary and advisory. The Law Department, GNCTD, has also opined that Tribunals are competent to function and adjudicate cases even without non-official members.

Accordingly, the following directions are issued for strict compliance by all DMs/DCs/ADMs of the Revenue Department:

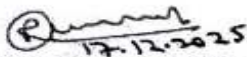
1. **Regular Functioning:** Maintenance and Appellate Tribunals shall function regularly and shall not remain non-functional due to non-appointment or absence of non-official members.
2. **Expeditious Disposal:** All pending and newly instituted cases shall be taken up promptly and disposed of within prescribed timelines, with priority to long-pending matters.
3. **Correct Representation before Courts:** Officers shall ensure that the correct legal position is placed before judicial forums. Any incorrect or misleading statement leading to adverse judicial orders will be viewed seriously.

It is noted that non-functioning of Tribunals has caused avoidable hardship to senior citizens and compelled unnecessary litigation. Therefore, all DMs/DCs/ADMs are advised to act strictly in accordance with the Act and Rules and ensure early disposal of pending cases. Any avoidable delay or non-compliance causing hardship to senior citizens shall be viewed seriously. This issues with the approval of the Secretary (Revenue)-cum-Divisional Commissioner.

Encl: D.O. Letter copy from Social Welfare Department.

No No.F.1(95)/2023/GA/DC/HQ/1949

Copy for information and record


17.12.2025
Addl. District Magistrate (HQ-1)
Dated: 17.12.2025

8. It is further assured and undertaken that all pending and newly instituted cases shall be taken up promptly and disposed of within the prescribed timelines, with priority to long-pending matters.

9. As regards the grievance of the present petitioner, it is assured and undertaken that the concerned ADM would take up the matter for hearing on



06.01.2026, and an endeavour shall be made to decide the same as soon as possible after affording an opportunity of adequate hearing to all the concerned parties.

10. In case the hearing is not concluded on 06.01.2026, let hearings be scheduled at short intervals so as to conclude the proceedings expeditiously, and preferably within a period of six weeks from today.

11. No further orders are required to be passed in the present petition at this stage. The same is accordingly disposed of in the above terms. Pending application/s also stands disposed of.

12. Needless to say, the outcome of the proceedings before the ADM shall be subject to the legal remedies and rights of the parties.

SACHIN DATTA, J

DECEMBER 18, 2025/uk