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

+ LPA 1196/2024 and CM APPLs.72345-48/2024

PRIYA JANKI PODAR

.....Appellant

Through: Ms Shyel Trehan, Sr. Advocate with
Mr A.K. Chauhan, Mr Rahul
Chauhan, Mr Rohan Poddar, Mr Amit
Kumar and Mr Sumit Kumar,
Advocates.

versus

VINOD KUMAR PODDAR AND ORS.

.....Respondents

Through: Mr Gautam Narayan, Sr. Advocate
with Mr Abhishek Gupta and Mr
Praful Shukla, Advocates for R1 and
R2.

Ms Swathi Sukumar, *Amicus Curiae*.
Mr Udit Malik, ASC with Ms Rima
Rao and Ms Palak Sharma, Advocates
for GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

16.01.2025

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1. The appellant has filed the present appeal impugning an order dated 03.12.2024 passed by the learned Single Judge in WP(C) 3349/2024 captioned *Vinod Kumar Poddar & Anr. v. Local Level Committee through DC South Delhi & Ors.* The appellant is, essentially, aggrieved by the directions for relocating Mr Rohan Poddar to a residential facility at Shaurya Foundation, Palwal, Haryana for few days for initial assessment and further consequential directions. It is the appellant's contention that removing Mr



Rohan Poddar from his current location would be detrimental to his wellbeing.

2. To evaluate the question whether Mr Rohan Poddar could be moved to the named institution for assessment and other attendant matters, this court had requested the Superintendent of Dr. Ram Manohar Lohia Hospital to constitute a medical board for evaluation of Mr Rohan Poddar at his current location. The medical board was so constituted and has furnished its report. The report does not contain recommendations as to whether Mr Rohan Poddar can be moved or not. However, it points out that if Mr Rohan Poddar is to be moved, it would be necessary that the institution in which he is moved gives him space commensurate with his current living quarters. It also highlights that Mr Rohan Poddar is attached with his care givers and if he is to be weaned from them, certain procedure is required to be followed.

3. Clearly, whether Mr Rohan Poddar is required to continue to remain in his current location or move to a new location is a decision that would necessarily be premised on the question whether an arrangement can be put in place for active supervision of him and his care givers at his current location. It is thus necessary to also examine the question of appointing a guardian to Mr Rahul Poddar, which would also be germane to the decision whether to move him to an institution (and if so, which institution) or to permit him to remain at his current location. Additionally, there would also be a requirement to safeguard his wealth to ensure that it inures to his benefit during his lifetime. The learned *amicus curiae* suggests that given the various facets of this issue, the matter be remanded to the learned Single Judge to take a comprehensive view. She points out that the appellant had moved the present appeal against the interim order apprehending that the



immediate removal of Mr Rohan Poddar from his current location may be detrimental to him. That issue is now settled and it is clear that he is not required to be moved until a final decision is taken. The learned counsel for the other parties are *ad idem* with the contentions advanced by the learned *amicus curiae*.

4. In view of the above, we consider it apposite to dispose of the present appeal by setting aside the impugned order. The learned Single Judge would take a comprehensive view, which would include considering the evaluation report that has been furnished by Dr. Ram Manohar Lohia Hospital as well as the question of appointing a guardian and safeguarding Mr Rohan Poddar's wealth.

5. It is clarified that all contentions of the parties are reserved including in respect of the aforesaid evaluation report furnished by Dr. Ram Manohar Lohia Hospital.

6. The appeal is disposed of in the aforesaid terms. Pending applications shall also stand closed.

7. We express our gratitude to the learned *amicus curiae* for the assistance provided to this court beyond the call of duty.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 16, 2025/tr

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