



\$~42

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

Date of Decision: 09.02.2026

+ **LPA 62/2026, CM APPL. 8567/2026, CM APPL. 8568/2026 & CM APPL. 8569/2026**

SHRI CHAND GAUTAM & ANR.

.....Appellants

Through: Mr. Prithish Sabharwal, Mr. Shiv Chopra, Mr. M. Khan, Mr. Adarsh Lohia and Mr. Sanjeet Kumar, Advs.

Versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Raj Kumar Yadav, Ms. Preeti Gothwal, Advs for R-1.
Mr. Chetan Gautam, Adv for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (ORAL)

1. The present Appeal has been filed being aggrieved by the order dated 12.01.2026 (“**Impugned Order**”) in W.P.(C) No.3557/2025 (“**Writ Petition**”) dismissing the Writ Petition preferred by the Appellants seeking setting aside of the order dated 10.01.2025 passed by the Appellate Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (“**Act**”), which upheld the order dated 15.04.2024 passed by the learned District Magistrate dismissing the Application filed by the Appellants for eviction of Respondent Nos. 2 and 3 under the provisions of the Act.

2. The brief factual matrix of the present Appeal is as under:



2026:DHC:1539-DB



2.1 The Appellants are senior citizens aged about 75 and 70 years respectively and are owners of property bearing No. D-14, Ground Floor, Pamposh Enclave, New Delhi-110048 (“**Subject Property**”). Respondents Nos. 2 and 3 are the son and daughter-in-law of the Appellants and are residing in the Subject Property since their marriage, which was solemnized on 26.12.2017.

2.2 It is the case of the Appellants that Respondents Nos. 2 and 3 soon after their marriage started misbehaving, mentally harassing, threatening and physically assaulting the Appellants and on 15.01.2024, in the absence of the Appellants got made a duplicate key of the almirah, took all the gold jewellery and property papers kept therein and forcibly ousted the Appellants from the subject property and also filed false and frivolous complaints against the Appellants.

2.3 Being aggrieved of the same, the Appellants filed an Application before the learned District Magistrate under the provisions of the Act seeking eviction of Respondent Nos. 2 and 3 from the Subject Property. However, the said Application of the Appellants was dismissed by the District Magistrate *vide* order dated 15.04.2024.

2.4 The Appellant preferred an Appeal under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (“**Rules**”) against the order dated 15.04.2024 passed by the learned District Magistrate before the Appellate Authority, i.e., the learned Divisional Commissioner under the provisions of the Act, which was also dismissed *vide* order dated 10.01.2025.



2.5 The Appellants filed the Writ Petition challenging the Order dated 10.01.2025 of the learned Divisional Commissioner, which was dismissed *vide* the Impugned Order. Accordingly, the Appellants have preferred the present Appeal.

3. We have heard the learned Counsel for the Parties.

4. The learned Counsel for the Appellants submitted that Appellants are senior citizens and are being harassed by Respondent Nos. 2 and 3 by their cruel and inhuman behaviour. It is alleged by the Appellants that Respondent Nos. 2 and 3 committed criminal assault upon the Appellants on 15.01.2024 and also took away the original documents of the Subject Property for which the Appellants registered a complaint with the Police. Thereafter, Respondent Nos. 2 and 3 have forcibly evicted the Appellants from their own house, being the Subject Property, on 23.01.2024 and since then, the Appellants are not residing in their own house and the Respondent Nos. 2 and 3 are not allowing the Appellants to enter the Subject Property.

5. It was submitted by the learned Counsel for the Appellants that on account of the eviction of the Appellants from the Subject Property, the Appellants was constrained to file the Application under the provisions of the Act for eviction of Respondent Nos. 2 and 3 on 05.02.2024 before the learned District Magistrate, however, the said Application was dismissed *vide* order dated 15.04.2024. Accordingly, the Appellants filed an Appeal before the Appellate Authority of the learned Divisional Commissioner on 30.05.2024, which was also dismissed *vide* order dated 10.01.2025.

6. The learned Counsel for the Appellants submitted that undisputedly the Appellants are the owners of the Subject Property which has been



acquired by them through their own sources and neither Respondent No.2 son nor his wife being Respondent No. 3 provided any care for them. It was submitted that the Appellants are entitled to the safe living environment, which is dignified and free from any form of abuse and neglect aligned with the core objectives of the Act. In support of this submission, the learned Counsel for the Appellants relied upon the decision of this Court in W.P.(C) 4190/2023 in the case of ***Smt. Santosh Tyagi v. GNCTD & Ors.***

7. The learned Counsel for the Appellants also relied upon the decision of this Court in W.P.(C) No.6592/2018 in the case of ***Smt. Darshna v. Government of NCT of Delhi & Ors.***, wherein it has been held that the plain language of the Act and the Rules provide that a senior citizen is also entitled to evict his son, daughter or legal heirs from his property irrespective of whether it is ancestral or self-acquired property. This decision was upheld by the Division Bench of this Court in LPA 537/2018, wherein it was held that keeping in view the objective of the Act, it is high time that senior citizens / parents are allowed to live in peace and tranquillity.

8. The learned Counsel for the Appellants submitted that this Court in W.P.(C) No. 2761/2020 in case of ***Sandeep Gulati v. Divisional Commissioner, Office of the Secretary-cum-Divisional Commissioner, Department of Revenue, Govt. of NCT of Delhi*** has clarified that the requirement of providing ill-treatment is not mandatory for invoking eviction under the Rules, rather the mere fact that the property belongs to senior citizen and he / she does not wish to allow the children or legal heirs to reside with them is sufficient ground to seek their removal.



9. The learned Counsel for the Appellants also relied upon the decision of this Court in W.P.(C) No. 13840/2022 in case of ***Pritam Singh v. Government of NCT of Delhi & Ors.***, wherein it has been held that the very fact that the petitioner was unable to live in his own house, which was his only residential abode and has been forced to take shelter at his married daughter's house, was demonstrative of the ill-treatment suffered by him.

10. Further, the learned Counsel for the Appellants relied upon the decision of a Co-ordinate Bench of this Court in LPA 525/2022 titled as ***Pawan Kumar & Others v. Divisional Commissioner, Department of Revenue, Government of Delhi & Ors.***, which held that the principal objective of the Act is to make effective provisions for the maintenance and welfare of parents and senior citizens, who are left to fend for themselves all alone in the dusk of their lives, have been exposed to years of emotional neglect and receives no financial and emotional support from their children and, therefore, the Courts and authorities administering the provisions of the Act are obliged to confer paramount considerations on these issues. Accordingly, a senior citizen may claim the right of exclusive residence even though he or she may be only able to establish a right or interest in such property even if such right or interest be lower than an exclusive ownership right. The authorities under the Act are obliged to take into consideration the mental and physical well being and security of the senior citizens and pass appropriate orders of protection bearing in mind the predominant purpose of the Act.

11. The learned Counsel for the Appellants submitted that Appellants have by way of Public Notice dated 02.10.2024 formally severed all



2026:DHC:1539-DB



relations with Respondent Nos. 2 and 3 due to their hostile behaviour, obstinate attitude and suspicious conduct. The Appellants also filed the Writ Petition, being W.P.(C) No.13959/2024, seeking direction against the Divisional Commissioner under the Act, which were issued *vide* order dated 04.10.2024.

12. It was submitted that the learned Divisional Commissioner while passing the order dated 10.01.2025 merely upheld the findings of the learned District Magistrate without providing any cogent reasons on analysis of the Appellants contentions. It was submitted that the learned Single Judge in the Impugned Order has upheld the erroneous findings of the learned Divisional Commissioner by overlooking the fact that the Appellants were ousted from their own property by Respondent Nos. 2 and 3 as a consequence of filing a Police complaint against them. It was also submitted that the learned Single Judge did not consider that the learned Divisional Commissioner had wrongly observed that this Court had twice dismissed the Writ Petition seeking quashing of the FIR, which was factually incorrect. In fact, *vide* order dated 11.09.2024, this Court did not dismiss the Writ Petition on merits, but only permitted the Appellants to withdraw the same with the liberty as prayed for and the said order explicitly states that all contentions are left open.

13. The learned Counsel for the Appellants submitted that the learned Single Judge failed to appreciate that the orders passed by the learned District Magistrate and learned Divisional Commissioner were based on erroneous assumptions of facts, which were neither confronted to the Appellants nor were they given an opportunity to clarify the correct position,



which amounted to violation of principles of natural justice.

14. In view of the above submissions by the learned Counsel for the Appellants, it was prayed that the Impugned Order be quashed and set aside.

15. We have considered the submissions made on behalf of the Appellants and perused the Impugned Order. The Impugned Order has considered the orders dated 15.04.2024 and 10.01.2025 passed by the learned District Magistrate and the learned Divisional Commissioner, wherein it has been observed that as per the enquiry report and the hearings before them, no evidence of harassment or ill-treatment has been provided by the Appellants.

16. It is further noted in the aforementioned orders that Respondent Nos. 2 and 3 expressed their willingness to reside amicably with their parents and to assume responsibility for their care. The Appellants have also not disclosed that there was a protection order by CMM, Saket in favour of Respondent No. 3 restraining the Appellant from vacating Respondent No. 3 from the Subject Property. Nevertheless, the Appellants sought to invoke the provisions of the Act and Rules for eviction on the grounds that were found to unsubstantial by the fact-finding authorities. Additionally, the learned Single Judge has observed that the order dated 10.01.2025 issued by the learned Divisional Commissioner, after thorough review of the evidence on record, established that the conduct of Appellant No.2 was not prudent. The video presented to the learned Divisional Commissioner demonstrated that Appellant No.2 exhibited a short temper.

17. The order passed by the learned Divisional Commissioner noted that Respondent Nos. 2 and 3 are responsible for the care of their minor children,



and there is no justification for their eviction, as no mistreatment or harassment was established against them. Furthermore, the said order observes that the Appellants possess multiple properties. Consequently, the Appeal filed by the Appellants before the learned Divisional Commissioner was dismissed due to lack of merit.

18. The learned Single Judge has also addressed the arguments presented by the Appellants, noting that the learned Divisional Commissioner may have misinterpreted the outcome of the petitions previously filed by the Appellants before this Court, however, that was not the sole basis for the dismissal of the Appellants' Appeal by the learned Divisional Commissioner.

19. The learned Single Judge has in the Impugned Order noted that given the limited scope of jurisdiction under Articles 226 and 227 of the Constitution of India, 1950, there was no justification for reaching a different conclusion after re-evaluating the entirety of the material and evidence on record. Consequently, the Writ Petition was dismissed, as neither the learned District Magistrate nor the learned Divisional Commissioner were found to have acted beyond their respective jurisdictions, or in a perverse, unreasonable, or arbitrary manner. Furthermore, the Impugned Judgment rightly concludes that the findings in the orders impugned in the Writ Petition were adequately reasoned and, thus, were required to be reaffirmed.

20. After careful consideration, we find no justification for interfering with the Impugned Order. This Court, in exercising its jurisdiction under Articles 226 and 227 of the Constitution of India, 1950, possesses a



2026:DHC:1539-DB



restricted scope for judicial review, limited to cases involving perversity or arbitrariness. In the facts and circumstances of the present case, the authorities, acting under the Act, have thoroughly evaluated the evidence presented and issued reasoned orders rejecting both the Application and the Appeal as per statutory provisions. It is not within this Court's purview to revisit or reassess disputed questions of facts while exercising the writ jurisdiction.

21. In view of the above analysis, we concur with the findings in the Impugned Order and hold that there is no infirmity with the same. Accordingly, the present Appeal and pending Applications stand dismissed.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 09, 2026

'gsr'

Signature Not Verified

Signed By: NEELAM
SHARMA
Signing Date: 28.02.2026
17:09:54