



\$~122

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

+ W.P.(C) 12252/2025

SHRI SHAKIR ALI & ANR.

.....Petitioners

Through: Ms. Prabha Mishra, Mr. Mohd.
Hashim Miyan, Advs.

versus

THE GOVERNMENT OF NCT OF DELHI & ORS.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **13.08.2025**

CM APPL.49948/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 12252/2025 and CM APPL.49947/2025 (Stay)

3. This matter has been listed upon mentioning.
4. The present petition has been filed by the petitioners assailing the impugned order dated 27.02.2025 passed by the Senior Citizen Tribunal, District Magistrate (West), New Delhi in Eviction Case No. 1098/DCW/2024 (Case ID-37700) initiated by the respondent no. 2 against the petitioners, under Maintenance and Welfare of Parents and Senior Citizens Act, 2007(hereinafter "MWPSA Act").
5. The petitioners have further challenged the appellate order dated 04.08.2025 passed by the Ld. Divisional Commissioner, whereby the appeal preferred against the eviction order dated 27.02.2025 was dismissed.
6. It is the case of the petitioners that the impugned order suffers from manifest errors apparent on the face of the record and has been passed in



disregard of the pending civil proceedings concerning the subject property.

7. The factual background, as canvassed by the petitioner is that the property bearing House No. A-810, Camp No.2, J.J. Colony, Nangloi, West Delhi - 110041, originally belonged to Late Sh. Shabir Ali, father of petitioner no.1, who died intestate. Upon his demise, the property devolved upon his legal heirs in accordance with applicable personal laws.

8. Petitioner no.1 claims entitlement to a 1/7th undivided share in the said property, in pursuit of legal remedy, has instituted Civil Suit No. 98/2025 before the Ld. Additional District Judge, Tis Hazari Courts, Delhi, seeking partition and separate possession. The said suit is pending adjudication and is next listed for hearing on 28.08.2025.

9. It is submitted that the eviction proceedings initiated by respondent no.2 are mala fide and have been initiated at the behest of Mr. Jakir Ali, brother of the petitioner no.1, who has been named as an accused in FIR No. 627/24 registered under the Protection of Children from Sexual Offences Act, 2012, (POCSO Act) for allegedly outraging the modesty of the minor daughter of the petitioners.

10. Aggrieved by the eviction order dated 27.02.2025, the petitioners filed an appeal before the Ld. Divisional Commissioner/ Appellate Authority under the MWPSA Act. Due to the absence of a scheduled hearing date, the petitioners approached this Court by way of W.P. (C) No. 4705 of 2025, seeking expeditious disposal of the appeal.

11. Pursuant to directions issued by this Court, the Appellate Authority passed an interim order dated 25.04.2025 granting protection from eviction to the petitioners till final disposal of the appeal. The matter was adjourned to 08.08.2025. However, without any request from the petitioners, the



hearing was preponed and the impugned order dated 04.08.2025 was passed.

12. It is further submitted that eviction action has been initiated in terms of the impugned orders, and an eviction notice dated 12.08.2025 has been issued by officials of Nangloi Police Station, directing the petitioners to vacate the premises on or before 13.08.2025.

13. Learned counsel for the petitioners submits that if the impugned order is executed and the petitioners are evicted from the said property the same would irreparable prejudice to the petitioners.

14. The petitioners aver that they are residing in a discrete portion of the property, specifically the Second Floor of the House No. A-810, Camp No.2, J.J. Colony, Nangloi, West Delhi-110041. The respondent no.2 is stated to be residing on the ground floor of the said premises.

15. Issue notice to the respondents through all permissible modes, including electronically.

16. Let reply be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

17. Considering the aforesaid circumstances, it is directed that till the next date of hearing no coercive/ precipitative steps shall be taken against the petitioner and/ or for the purpose of eviction of the petitioner from the property in question.

18. List on 19.11.2025.

SACHIN DATTA, J

AUGUST 13, 2025/uk/ss