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

+ W.P.(C) 13836/2022

PADMA DOONGA

..... Petitioner

Through: Mr. Vishwajeet Dubey, Adv.
versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Ms. Hetu Arora Sethi, ASC with Ms.
Kavita Nailwal, Adv.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

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26.09.2022

CM APPL. 42318/2022 (for exemption)

Allowed, subject to all just exceptions.

The application shall stand allowed.

W.P.(C) 13836/2022 and CM APPL. 42319/2022 (Summon Record)

This writ petition has been preferred for peremptory directions being framed calling upon the District Magistrate to dispose of a complaint which has been made under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [“the 2007 Act”] on 22 March 2022 with expedition. Learned counsel for the petitioner contends that although that complaint has been made way back in March 2022, no effective hearing has taken place thereon.

Ms. Nailwal, learned counsel appearing for the respondents, on the other hand, on instructions apprises the Court that the application was initially taken up for consideration in June 2022 whereafter it was adjourned for further hearing. In the meanwhile the authority which is to decide the

complaint had to proceed on maternity leave and the matter has now being fixed for 10 October 2022.

The Court observes that the issuance of directions for out of turn disposal of matters is sought without a requisite disclosure having been made with respect to the board of the authority. Ultimately it is for the authority concerned to evaluate which matters must be accorded priority. While the statute may stipulate prescribed time lines for disposal of matters, it is for the authority concerned to examine and evaluate which matters are required to be accorded precedence. The Court while being called upon to exercise its powers of superintendence and control conferred by Articles 226/227 of the Constitution would have to bear in mind the practicalities as obtaining at the ground level coupled with the constraints under which authorities discharged their functions during the pandemic. Ultimately it must be left to the competent authority to manage its board and prioritize matters based on an assessment of individual facts of each case. The issuance of the writs as prayed for would clearly amount to the Court controlling the roster of the authority

In that view of the matter, the writ petition, along with pending application, shall stand disposed of with the observation that the District Magistrate bearing in mind the fact that the complainants are asserted to be 85 years old, shall proceed in the matter with due expedition without granting any unnecessary adjournments to either parties.

YASHWANT VARMA, J.

SEPTEMBER 26, 2022

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