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

+ **W.P.(C) 2912/2020**

SAJID ALI

..... Petitioner

Through: Mr.Sonakshi & Mr.Ritesh Dhar
Dubey, Advs.

versus

GOVT OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr.Naushad Ahmed Khan,
ASC(Civil)/GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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18.03.2020

CM No. 10124/2020 (Exemption)

Allowed, subject to all just exceptions.

WP(C) 2912/2020

1. This petition has been filed by the petitioner *inter alia* praying for the following relief:-

“a. Issue a writ, order or direction in the nature of a mandamus or any other appropriate writ/direction to the respondents to expeditiously conclude the DNA matching test in the aforesaid matter and furnish a report forthwith;”

2. It is the case of the petitioner that the son of the petitioner has been missing since 25.02.2020. A body was recovered on 27.02.2020 in a burnt state. The same is apprehended to be that of the son of the petitioner. To confirm the identity, DNA samples were taken from the body as also the family members of the petitioner on 03.03.2020, however, the petitioner has not heard anything from the respondents thereafter. It is submitted in the petition that incase the DNA turns out to be negative, the delay in further investigation would infact make it even more difficult for the missing person to be traced.

3. The learned counsel for the respondents, who appears on advance notice, on instructions submits that the respondents were awaiting the orders from the Court regarding the DNA testing. It is further submitted that it is only in the cases of a direction being given by a Court that priority is granted to such cases. On being asked if there is any provision in law with requiring for a direction from the Court in such cases, the learned counsel for the respondents fairly admits that there is no provision requiring such particular direction from the Court for such testing.

4. The learned counsel for the respondents, on instructions further submits that in this particular case, the DNA testing shall be started today itself and would require minimum of fifteen days for the results.

5. In view of the above, the present petition is disposed of directing the respondents to expedite the process of DNA matching test and to complete the same positively within a period of fifteen days from today. Results thereof shall be communicated to the petitioner immediately on receipt of the report. A compliance affidavit in this regard be also filed before this Court.

6. Having considered the submission of the learned counsel for the respondents that there is delay in testing only for want of orders from the Court, as there is no such provision of law shown requiring orders from the Court, such delay cannot be countenanced. The Respondents must, therefore, looking into the urgency of each case, carryout such testing without waiting for any order from any Court.

7. *Dasti*, under signature of the Court Master.

NAVIN CHAWLA, J

MARCH 18, 2020/rv