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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 11735/2009 & CM Nos.11708-11709/2009

RAJ SINGH

..... Petitioner

Through Mr. Sandeep Sharma, Adv.

versus

LT. GOVERNOR, NCT OF DELHI & ORS.

..... Respondents

Through Ms. Ruchi Sindhwani, Adv. for R-1, 2, 5 & 6.

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

ORDER

27.10.2009

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1. By this petition, the petitioner assails an order dated 8th June, 2009 passed under sub-section 3 of Section 6 of the Delhi Land Holding (Ceiling) Act, 1960. Learned counsel appearing for the respondents submit that the present writ petition has been filed without availing of an alternative efficacious statutory remedy by way of objections against the said order under Section 9(1) of the said statute which are required to be made before the Deputy Commissioner. In case a party is aggrieved by an order which is passed by the Deputy Commissioner on such objections, the statute provides for a revision under section 20 of the statute which is required to be filed before the Chief Commissioner who would be the Lieutenant Governor in the present case.
2. Mr. Sandeep Sharma, learned counsel for the petitioner has submitted that apart from the challenge on the merits of the case, the petitioner is aggrieved by the non-consideration of an application for impleadment dated 3rd

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June, 2008 which was filed by the applicant prior to the passing of the order dated 8th June, 2009 by the Revenue Assistant.

3. The statutory scheme provides for an appropriate challenge to be made by a person who is aggrieved by the publication of a list under sub-section 3 of Section 6 of the Delhi Land Holding (Ceiling) Act, 1960. In case a party is aggrieved by the order on the objections, the statutory scheme provides for a revision to be filed before the Lieutenant Governor of Delhi even with regard to factual aspects which are required to be gone into in these proceedings.

4. Learned counsel for the respondent submits that the application for impleadment which is being referred to in the writ petition, was never placed before the competent authority.

5. In view of the objection which has been taken by the respondents with regard to the maintainability of the writ petition on the ground of availability of an alternative efficacious statutory remedy to the petitioner, learned counsel for the petitioners seeks leave to withdraw this petition with liberty to avail the alternative remedy before the competent authority on all grounds including those raised in this writ petition.

This writ petition and applications are accordingly dismissed as withdrawn with liberty as prayed for.

Dasti.

OCTOBER 27, 2009
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GITA MITTAL, J