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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 6605/2011

VED RAM

..... Petitioner

Through: Mr. Sudhanshu Tomar, Advocate

versus

BDO AND ORS.

..... Respondents

Through: Mr. Atul Agarwal, Advocate for Mr. Jagdeep
Sharma, Advocate**CORAM:****HON'BLE MR. JUSTICE SUNIL GAUR****ORDER**

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18.11.2011

1. Learned counsel for the petitioner contends regarding opening of another door on the western wall of Plot No. 273, in Village *Kanganheri*, Delhi, towards the *gaon sabha* land, forming part of *khasra* No.148, respondents No. 3 to 6 had filed a civil suit in the year 1986 and since they could not obtain any interim relief, therefore, clandestinely they got petitioner's name deleted from array of parties in the said suit for declaration and thereafter, approached the Block Development Officer, who vide order dated 06.06.2005, had acceded to the aforesaid request of respondents No. 3 to 6 and thereafter, respondents No. 3 to 6 had withdrawn the said suit on 26.07.2005.

2. It is next contended by counsel for the petitioner that when the

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petitioner came to know about it, he filed a suit for permanent injunction against respondents No. 3 to 6 herein to restrain them from opening a door on the western side of their house towards the *gaon sabha* land and in the said suit, interim relief though was declined to the petitioner, but it would not estop the petitioner from challenging the order of 06.06.2005 of the Block Development Officer concerned.

3. The grievance of the petitioner is that the learned Financial Commissioner in the impugned order has refused to set aside the order of the Block Development Officer of 06.06.2005 by observing that it is a simple letter giving permission and the provisions of Section 187 of the Delhi Land Reforms Act, cannot be invoked against a simple letter.

4. Concededly, letter of 06.06.2005 of the concerned Block Development Officer is the subject matter of petitioner's suit for permanent injunction and therefore, the petitioner is precluded from re-agitating the very same issue in this writ petition.

5. This writ petition is accordingly disposed of with liberty to the petitioner to urge the issue raised herein, in the suit for permanent injunction filed by him.

CM No.13309/2011 (u/S 151 CPC)

Dismissed as infructuous.


SUNIL GAUR, J