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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 21.08.2026

CNR No. DLHC010393702026

+ W.P.(C) 12233/2026, CM APPL. 56775/2026 (Dir.), CM APPL. 56776/2026 (Ex. From filing typed copies of annexures) & CM APPL. 56777/2026 (To file lengthy synopsis)

THE JOCKEY ASSOCIATION OF INDIA & ORS.

.....Petitioners

Through: Mr. Vikas Singh, Sr. Adv. with
Mr. Varun Singh, Ms. Parijat,
Ms. Somesa Gupta, Ms.
Urvashi Chauhan & Ms.
Khushi, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ashish K Dixit, CGSC with
Ms. Akanksha Suman, GP
alongwith Mr. Umar Hashmi,
Mr. Ayush Kumar, Ms. Iqra
Shiekh & Mr. Gaurav, Advs.
with Mr. Suchit Goyal, Dy L &
DO.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (Oral)

1. The present **Writ Petition**¹ has been filed under Article 226 of the **Constitution of India, 1950**², seeking issuance of a writ of

¹ Petition

² Constitution of India



certiorari challenging the **Eviction Order dated 11.08.2026³** passed by Respondent No. 2 under Section 5(1) of the **Public Premises (Eviction of Unauthorised Occupants) Act, 1971⁴**.

2. Learned Senior Counsel appearing on behalf of the Petitioners submits that the reliefs sought in Prayers (b), (c) and (d) are consequential to Prayer (a) and, therefore, confines the present challenge, at this stage, to Prayer (a), whereby the Eviction Order is sought to be assailed.

3. Learned Senior Counsel submits that there is an urgent need for interference with the Impugned Order, particularly as the subject matter concerns the welfare and care of horses as also the jockeys and the staff who are affected and, therefore, according to him, has an element of public interest. He submits that the consequences of the Impugned Order are required to be considered by this Court keeping in view the aforesaid circumstances.

4. Learned Senior Counsel further submits that the present Petition is maintainable notwithstanding the availability of an alternate statutory remedy and places his reliance upon the Judgment of the Hon'ble Supreme Court in *Whirlpool Corporation v. Registrar of Trade Marks, Mumbai*⁵ to submit that the existence of an alternate remedy does not operate as an absolute bar to the exercise of jurisdiction under Article 226 of the Constitution of India, particularly where the circumstances of the case warrant interference by this Court.

5. He submits that the Petitioners are vitally affected by the Impugned Order and, therefore, this Court ought to exercise its

³ Impugned Order

⁴ Act



jurisdiction under Article 226 of the Constitution of India and pass appropriate orders.

6. He further submits that Respondent No. 3 and the Petitioners herein have certain disputes which effectively prejudice the Petitioners and as a reason thereof, the present Petition has been preferred.

7. **Per contra**, Mr. Ashish K. Dixit, learned Counsel appearing on behalf of Respondent Nos. 1 and 2, enters appearance and raises a preliminary objection to the maintainability of the present Petition. He submits that the Petitioner has no *locus* to challenge the Impugned Order, as the same has been passed against Delhi Race Club, which is Respondent No. 3 herein.

8. Learned Counsel further submits that the Act itself provides a statutory appellate remedy under Section 9 thereof against an order passed under Section 5. He points out that Respondent No. 3, being the person against whom the Impugned Order has been passed, has already availed of the said statutory remedy and has preferred an appeal before the competent authority.

9. Learned Senior Counsel appearing on behalf of the Petitioners, in response, submits that the existence of such remedy cannot, by itself, bar the exercise of jurisdiction under Article 226 of the Constitution of India.

10. He further submits that Section 9 of the Act, as it reads, does not appear to expressly preclude the Petitioner from availing of the said remedy and that the Petitioner may, therefore, pursue such remedy in accordance with law.

11. This Court has heard learned Counsel appearing on behalf of the parties and, with their able assistance, perused the material on

⁵ 1998 8 SCC 1



record.

12. The principal issue which arises for consideration at this stage is whether, in the facts of the present case, this Court ought to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India when the Act itself provides a statutory appellate remedy against an order passed under Section 5 thereof.

13. It is not in dispute that the Impugned Order has been passed against Respondent No. 3, i.e. Delhi Race Club. It is equally undisputed that Respondent No. 3, being the original lessee in respect of the premises in question, has already invoked the statutory appellate remedy under Section 9 of the Act and has preferred an appeal before the competent authority.

14. In these circumstances, this Court is of the *prima facie* view that the objection raised by learned Counsel appearing on behalf of Respondent Nos. 1 and 2 merits acceptance. It is noted that the Act itself provides a specific statutory mechanism for challenging an order passed under Section 5, and the said remedy has, in fact, already been invoked by the entity against whom the Impugned Order has been passed.

15. This Court is conscious of the submission that the existence of an alternate remedy does not, in every case, operate as an absolute bar to the exercise of jurisdiction under Article 226 of the Constitution of India.

16. However, the existence of such jurisdiction does not imply that the statutory remedy can be bypassed as a matter of course. The Court is required to examine the circumstances of each case and determine whether there exists any compelling reason warranting interference notwithstanding the alternate remedy.



17. In the present case, no such circumstance has been demonstrated which would persuade this Court to bypass the statutory appellate mechanism. More importantly, the Petitioner is admittedly not the original lessee in respect of the premises. The original lessee is Respondent No. 3, Delhi Race Club, which has itself already challenged the Impugned Order by way of an appeal under Section 9 of the Act and *prima facie*, the Petitioners, not being the lessee, does not appear to have the *locus* to maintain the present Petition. Furthermore, *prima facie*, any dispute that the Petitioners may have with the Respondent No. 3, cannot, be the subject matter of a challenge by way of a Writ Petition.

18. Therefore, the Petitioner, if so advised and if otherwise permissible in law, would be at liberty to avail of such remedy as may be available to it under Section 9 of the Act and whether the Petitioner has the requisite *locus* or is otherwise entitled to maintain such an appeal is a matter which may be considered by the competent appellate authority in accordance with law. This Court expresses no opinion on the said aspect.

19. It is clarified that this Court has not expressed any opinion on the merits of the issues raised herein and the concerned forum before whom the Petitioners seek redressal of its grievances is free to consider the matter in accordance with law.

20. Accordingly, the present Petition, along with pending application(s), if any, stands dismissed.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 21, 2026/v/jk