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

+ **W.P.(C) 2141/2016 & CM No. 9184/2016**

RAJESH SINGH & ANR

..... Petitioners

Through Mr. Mr. Abhishek Singh, Mr. Omar
Siddiqui & Mr. Prateek Gupta,
Advocates

versus

OFFICE OF THE SUB-DIVISIONAL MAGISTRATE & ANR

..... Respondents

Through Mr. Peeyoosh Kalra, ASC (Civil),
GNCTD with Mahua Kalra,
Advocates

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **27.07.2016**

CM No. 9185/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) No. 2141/2016

The petitioner has been aggrieved by an order passed by the SDM, Kapashera. This order is dated 05.12.2015. Submission of the learned counsel for the petitioners is that on 16.11.2015, the SDM had a different picture in mind and he adjourned the matter on 18.11.2015. His additional submission is that the record of this case is not

traceable. There would not be any breach in that order. He would appeal before the Deputy Commissioner.

Learned counsel for the respondents points out that the order which has been impugned before this Court has to be assailed before the Deputy Commissioner and writ is not maintainable. His additional submission on this count is that the file was purportedly misplaced and they did not locate the file inasmuch as not searchable in the revenue authority.

This Court is of the view that the present petition is not maintainable as alternative remedy is available to the petitioner. He may accordingly approach the Deputy Commissioner in accordance with law.

On the necessary proceedings being filed by the Deputy Commissioner, he will decide the same within a period of six months from filing the said application.

The writ petition is disposed of along with the pending application.

INDERMEET KAUR, J

JULY 27, 2016

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