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

+ **W.P.(C) 6148/2016**

IQBAL BAHADUR SINGH

..... Petitioner

Through Mr.J.P.Sengh, Sr.Adv. with
Mr.V.P.Rana, Adv.

versus

LT. GOVERNOR, GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Mr.Arun Kumar Panwar for
Mr.Raman Duggal, Standing Counsel
for the GNCTD.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **19.07.2016**

C.M. No.25245/2016 (exemption)

Exemptions is allowed subject to just exceptions. Application disposed of.

W.P.(C) 6148/2016 & C.M. No.25244/2016 (stay)

The present petition has assailed two orders i.e. the order dated 18.5.2015 which is a communication addressed by the Director, Panchayat (under the approval of the Lieutenant Governor wherein it

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is recorded that the land as per this communication has been transferred to the Education Department by the Gaon Sabha); the second order which has been challenged is the order dated 18.6.2016 passed by the SDM wherein the suit filed by the petitioner seeking a declaration that this land belongs to him was dismissed by the SDM.

On advance notice, learned counsel for the respondent has put in appearance. Submission of the learned counsel for the respondent is that that order of the SDM can be challenged before the Appellate Body which is the Deputy Collector/Deputy Commissioner. It is ordered accordingly. The Deputy Collector/Deputy Commissioner will also answer the grievance of the petitioner qua the communication dated 18.5.2015. This is necessary to clarify in view of the submission made by the learned senior counsel for the petitioner that since the submission of the learned counsel for the respondent is that the land in dispute has been transferred by the Gaon Sabha to the Education Department an objection may be taken by the respondent that the Deputy Commissioner in terms of Section 1(2)(b) of the Delhi Land Reform Act cannot deal with this plea.

The Deputy Collector/Deputy Commissioner will thus deal with the grievance of the petitioner qua communication dated 18.5.2015 as also the order dated 18.6.2016.

At this stage, learned senior counsel for the petitioner submits that he is pressing for interim order. This Court may not be inclined to grant interim protection in view of the fact that this Court has

directed the petitioner to approach appropriate Authority i.e. the Deputy Collector/Deputy Commissioner. However, as and when the application is before the Deputy Collector/Deputy Commissioner, he shall decide the same in accordance with law.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

JULY 19, 2016

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