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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10106/2016 & C.M. No.40027/2016**
SATYAPAL & ANR

..... Petitioners

Through Mr. Anuroop, Adv.

versus

SECRETARY REVENUE, GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Dr. D. Rajeshwaar Rao and Mr.
Charanjeet Singh, Advs for R-1.
Mr. Santosh Kumar Tripathi, ASC
with Mr. Rizwan, Adv.
Mr. Sumeet Pushkarna, Standing
Counsel with Ms. Neha, Adv for DJB.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **26.10.2016**

The petitioner is aggrieved by an order passed by the SDM dated 14.01.2011. The prayer made by the petitioner seeking permission to construct a boundary wall had been negated; the SDM was of the view that the mutation proceedings with respect to the aforementioned land are yet pending before the Revenue Assistant and the applicant is only one of the parties and giving permission to the applicant may be prejudicial to the interest of the other parties; he was not the sole owner of the whole land.

Learned counsel for the respondent, on advance notice has put in appearance. His submission is that an appeal against the order passed by the SDM lies to the Deputy Collector.

Learned counsel for the petitioner disputes this proposition. His submission is that the orders of the SDM were passed under Section 26 of the Delhi Land Reforms Act and such an order is not appealable. This Court notes this factum and also notes that no provisions have been quoted in the impugned order; provisions of Section 26 of the DLRA may not be strictly apply.

Be that as it may, this Court also notes that the SDM had noted that the proceedings are yet pending before the Revenue Assistant. The submission of the petitioner that certain wrong facts have been recorded by the SDM can well be corrected by the Revenue Assistant by moving an appropriate application. On the petitioner moving an appropriate application before the Revenue Assistant, the Revenue Assistant shall dispose of the application of the petitioner within an outer limit of six weeks from today.

Since the petitioner already has an efficacious remedy, this petition is not maintainable. Dismissed.

INDERMEET KAUR, J

OCTOBER 26, 2016

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