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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4002/2016 & C.M. No.16909/2016

RAM DAYAL & ORS

..... Petitioners

Through Mr. Vivek Kumar Tandon and Ms.
Mamta Tandon, Advs.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Mr.Gautam Narayan, ASC with Mr.
R.A.Iyer, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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17.11.2017

The petitioner is aggrieved by the order passed by the Deputy Commissioner dated 19.02.2016. At the outset, this Court had informed the petitioner that an order passed by the Deputy Commissioner is appealable under Section 64 of the Delhi Land Revenue Act, 1954 and an appeal would lie to the Chief Commissioner/Financial Commissioner. This had been noted in the order dated 10.08.2017.

On the last date learned counsel for the petitioner had made a statement that an appeal had been filed against the said order passed which had been withdrawn. He has been directed to file that record. What has been placed on record is an appeal purported to have been filed against an order of September, 2015 which had then been withdrawn on the same date. Obviously it does not lay a challenge to

the impugned order which is an order dated 19.02.2016.

Learned counsel for the respondent vehemently submits that under Section 64 of the Delhi Land Revenue Act, there is no embargo and any/all orders passed by the SDM are appealable. There being no rider attached to it; this Court endorses this stand of the respondent.

This Court is of the view that the order dated 19.02.2016 is the subject matter of appeal before the Chief Commissioner/Financial Commissioner and this petition is accordingly disposed of with permission granted to the petitioner to approach the appropriate authority in accordance with law.

The submission of the petitioner that there should be a status quo till the disposal of the present matter before the Competent Authority and the petitioner should not been dispossessed is a submission which is noted but cannot be answered in favour of the petitioner as the impugned order has noted that the land in question has already been taken over by the BDO in the year 2014 and this was after the perusal of the record and the documents/photographs on record. The photographs filed by the petitioner, at this stage, also not come to his aid.

Petition is disposed of in the above terms.

INDERMEET KAUR, J

NOVEMBER 17, 2017

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