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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 3346/2017 & C.M.No.14640/2017  
RAJEEV CHAUDHRY AND ORS ..... Petitioners  
Through Mr. L.B. Rai, Mr. Mohit Sharma and  
Mr. Kamraj, Advs.

versus

GOVT OF NCT OF DELHI AND ORS ..... Respondents  
Through Mr. Pramod Saigal, Adv

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

% **04.08.2017**

The petitioner is aggrieved by an order dated 21.02.2017 passed by the SDM/Revenue Assistant, Kapasera. This was in terms of an application which had been filed by the petitioner against the order dated 24.06.2010 vide which the SDM had passed certain directions which as per the petitioner had prejudicially and adversely effected his interest and this direction had been passed ex-parte in the absence of the petitioner. He was aggrieved. He accordingly under Rule 14 of Appendix VI of the Delhi Land Reforms Rules, 1954 sought setting aside of that order. His submission is that he had sought setting aside of the said order (24.06.2010) for two reasons; he had not been given an hearing; this order was an illegal order as such an order could not have been passed by the Revenue Assistant/SDM.

A query has been put to the learned counsel for the petitioner as to how a writ petition is maintainable when as per the learned counsel for the respondent under Rule 23 Part B, an appeal lies against an order which is passed by the SDM to the Deputy Commissioner.

Learned counsel for the petitioner points out that since the order

dated 24.06.2010 being an ex-parte order, no appeal would lie against such an order as is clear from Rule 14, the question of an appeal to the Deputy Commissioner would not arise. This Court is not in agreement with this submission of the learned counsel for the petitioner. Under Rule 14 there is a bar to an appeal against an order which has been passed ex-parte. The said ex-parte order was passed on 24.06.2010. Under Rule 14, the remedy for the petitioner was to seek setting aside of the ex-parte order which the petitioner did seek. This was rejected vide the impugned order dated 21.02.2017. There is no bar under Rule 23 to file an appeal against such an order as is contained in the order dated 21.02.2017.

The petitioner has an efficacious and alternate remedy, petition is not maintainable. It is dismissed.

At this stage, learned counsel for the petitioner submits that his only grievance today is that the certified copy of the order dated 24.06.2010 has still not been supplied to him although he had applied certified copy of the same on 30.09.2016. On the appropriate application being made before the Department, certified copy of the application and record as sought for by the petitioner shall be delivered to him.

Petition disposed of .

**INDERMEET KAUR, J**

**AUGUST 04, 2017**

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