

\$~31

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

+ **W.P.(CRL) 1943/2017**

**MS SARWAN KAUR @ CHABBO** ..... Petitioner  
Through: Mr. Sunil Mehta, Advocate.

versus

**STATE & ORS** ..... Respondents  
Through: Mr. Sanjay Lao, ASC for the State/R-1  
to R-3.

**CORAM:**  
**HON'BLE MR. JUSTICE VINOD GOEL**

**ORDER**  
% **13.07.2017**

1. Learned Additional Standing Counsel appears on an advance copy having been served.
2. Heard. The petitioner has invoked the writ jurisdiction of this court under Article 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for issuance of a writ of Certiorari to quash the impugned externment order dated 30.11.2016 issued by the respondent no. 1 against her and further direction for restraining the respondents from causing interference in the petitioner's life and liberty.
3. Vide impugned order dated 30.11.2016, Additional Deputy Commissioner of Police, South-West District, New Delhi, while exercising the powers vested in him by virtue of Section 47 read with section 50 of the Delhi Police Act, 1978, directed the petitioner to remove herself beyond the limits of N.C.T. of Delhi for a period of two years with effect from 07.12.2016. The petitioner has been further directed not to enter or return to

the area of NCT of Delhi within the said period without permission of the competent authority. However, she was permitted to attend court at Delhi/New Delhi on all dates of hearing.

4. Learned counsel for the petitioner submits that the petitioner was neither supplied the copy of the notice nor any document. She was not given opportunity to file her reply or to engage a counsel. She was not given opportunity to submit her case. He further submits that the principles of natural justice have been violated while passing the impugned order.

5. The attention of this court is drawn to sub-section (1) of Section 51 of the Delhi Police Act, 1978, which reads as under: -

**“ 51. Appeal against orders under section 46, 47 or 48.-**

(1) Any person aggrieved by an order made under section 46, section 47 or section 48 may appeal to the Administrator within thirty days from the date of the service of such order on him.”

6. In these circumstances, when the alternative efficacious remedy is available to the petitioner, she cannot invoke the jurisdiction of this court under Article 226/2207 of the Constitution of India. However, liberty is granted to the petitioner to approach the Lt. Governor by filing the appeal under Section 50 (1) of the Delhi Police Act, 1978 in accordance with law.

7. The petition is disposed of.

**VINOD GOEL, J.**

**JULY 13, 2017**

**“sk”**