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

+ **CM(M) 907/2017**

RAJBEER SINGH

..... Petitioner

Through: Mr. Rajeev Ranjan Pandey, Adv. for
Mr. S.L. Sagar, Adv.

Versus

BACHAN LAL (DECEASED) THR HIS LRS..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **23.08.2017**

CM Nos.30239-41/2017 (all for exemptions)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

CM(M) 907/2017 & CM No.30238/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order [dated 18th April, 2017 in RC/ARC No.7228/2015 of the Court of Administrative Civil Judge-cum-Additional Rent Controller-cum-Commercial Civil Judge (North-East), Karkardooma Courts, Delhi] allowing the petition filed by the respondent under Section 14(1)(a) of the Delhi Rent Control Act, 1958.
4. Mr. Rajeev Ranjan Pandey, Advocate appearing for the petitioner states that Mr. S.L. Sagar, Advocate is the main counsel in the matter and is not available but he is prepared to argue.
5. Mr. Rajeev Ranjan Pandey, Advocate has been heard.

6. It has been enquired from him as to what is the remedy provided under the Rent Act against the order of the Additional Rent Controller allowing or dismissing a petition under Section 14(1)(a) of the Act.

7. Mr. Rajeev Ranjan Pandey, Advocate states that the remedy is of preferring an appeal before the Rent Control Tribunal.

8. A perusal of the paper book shows and Mr. Rajeev Ranjan Pandey, Advocate has also pointed out that the petitioner though preferred an appeal being RCA SCJ No.9/2017 in the Court of Senior Civil Judge-cum-Rent Controller, North-East, Karkardooma Courts, Delhi but withdrew the same on 24th July, 2017 with liberty to file the same in Court having jurisdiction over the matter.

9. The appeal under Section 38 of the Act lies before the Rent Control Tribunal and Supreme Court in *Sadhana Lodh Vs. National Insurance Co. Ltd.* (2003) 3 SCC 524, *Seth Chand Ratan Vs. Pandit Durga Prasad (D) by LRs* (2003) 5 SCC 399, *State Bank of India Vs. Allied Chemical Laboratories* (2006) 9 SCC 252, *Bijoy Kumar Dugar Vs. Bidya Dhar Dutta* (2006) 3 SCC 242, *Ajay Bansal Vs. Anup Mehta* AIR 2007 SC 909 & *Union of India Vs. Major General Shrikant Sharma* (2015) 6 SCC 773 has held that once statutory remedies are available, petition under Article 227 of the Constitution of India cannot be entertained.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 23, 2017/‘gsr’..