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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5841/2015
MADHU RANI JAIN Petitioner
Through Mr.N.S. Dalal, Adv.

versus

GOVT. OF NCT OF DELHI AND ANR. Respondents
Through Mr.Satyakam, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **26.04.2018**

Vide the present petition, the petitioner impugns an order dated 8th May, 2015, passed by the ADM (Notification), North-West District, Delhi, whereby the petitioner's application for grant of NOC for permission to sell the land of Khasra No.75/5(4-0) and 75-6(North)(0-12) situated in the revenue estate of Village Kanjhawala, was rejected. It may be noted that the ADM is the designated competent authority in terms of Section 5 read with Section 2(a) of the Delhi Land (Restrictions on Transfer) Act, 1972 (hereinafter referred to as the "Act").

At the outset, Mr.Satyakam, learned counsel for the respondents submits that the present petition is not maintainable before this Court since the petitioner has admittedly not availed the alternate efficacious remedy available to her by filing an appeal under Section 6 of the Act.

Mr.Dalal, learned counsel for the petitioner, vehemently submits that the said remedy is not available to the petitioner as

according to him, the competent authority has rejected her application on grounds other than those set out under Section 5 of the Act. He draws my attention to the object of the Act and contends that where the competent authority passes an order by ignoring the grounds set out in Section 5 of the Act, the order would be wholly without jurisdiction and in these circumstances, the only remedy available to the aggrieved person would be to approach this Court by way of a writ petition.

On the other hand, Mr.Satyakam, learned counsel for the respondents relies on a decision dated 15th January, 2018 passed by the Division Bench in WP (C) No.7255/2015, wherein in similar circumstances, the Division Bench had after hearing the matter at length, granted liberty to the petitioner therein to file an appeal before the Deputy Commissioner & Collector, as per Section 6 of the Act.

At this stage, Mr.Dalal, submits that the petitioner may be granted liberty to approach the Appellate Authority but only prays that in view of the fact that his petition has been pending before this Court from 2015, the Appellate Authority be directed to consider the petitioner's appeal on the ground of limitation. Mr.Satyakam fairly does not oppose the said request.

Accordingly, the petition is dismissed as withdrawn with liberty to the petitioner to approach the concerned Appellate Authority under Section 6 of the Delhi Land (Restrictions on Transfer) Act, 1972.

It is made clear that in case the petitioner prefers an appeal before the Competent Appellate Authority within the next two weeks, the same would be considered on its own merits. It is expected that

the concerned Appellate Authority would deal with the appeal in an expeditious manner and decide the same preferably within a period of nine months.

APRIL 26, 2018/aa

REKHA PALLI, J