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

+ W.P.(C) 8563/2017 & C.M.No.12668/2018

C.K. BASAK & ORS

..... Petitioner

Through Mr.K.P.S.Dalal with Mr.Ranjit Singh,
Advs.

versus

GNCTD & ORS

..... Respondent

Through Mr.Santosh Kr. Tripathi, ASC for
GNCTD.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **10.05.2018**

Vide the present petition, the petitioners have sought a direction to the respondents to grant them alternative plots in lieu of their demolished plot, which were allotted to them under the 20 point programme.

A perusal of the writ petition shows that even though, the petitioner has not referred to the impugned order dated 01.11.2016 in the prayer clause of the petition, the basic challenge in the petition is to assail orders dated 01.11.2016 and 25.10.2014 passed by the Block Development Officer (BDO) (South). The record shows that this Court had on the very first date i.e. 25.09.2017 put to the learned counsel for the petitioner as to how, the writ petition is maintainable.

Mr.Tripathi, learned counsel for the respondents hands over a copy of the order dated 12.12.2003 in support of his contention that

after the abolishment of the Panchayat Act, the BDO stands attached to the Divisional Commissioner under the Panchayat Unit. He submits that in view of the aforesaid position, the orders passed by the BDO can be challenged before the concerned Deputy Commissioner.

On the other hand, learned counsel for the petitioner submits that since the BDO is an authority under Article 12 of the Constitution, the petitioner is entitled to invoke writ jurisdiction of this Court even though an alternate appellate remedy provided under the Delhi Land Reforms Act (DLRA).

Mr. Dalal has also relied on a decision of this Court in ***Nilima Gupta v. Yogesh Saraha & Ors***, 156 (2009) Delhi Law Times 129 to contend that, in cases, where the agricultural land loses its basic character and is unauthorizely being used for purposes other than agricultural, the revenue authority would not have any jurisdiction in the matter and a civil suit would be maintainable.

In my considered opinion, the ratio of the aforesaid decision does not apply at all to the present case, since the petitioner is actually seeking to challenge specific orders passed by the BDO even though an attempt has been made to frame the prayers in the writ petition, in such a manner as to conceal the fact that the impugned orders have been passed by the BDO. In my view merely because the impugned orders have been passed by a Government official, cannot be a ground to bypass the efficacious alternate remedy of appeal. Learned counsel for the petitioner has failed to give any justification as to why, the petitioner should not be relegated to the statutory appellate remedy provided under the Delhi Land Revenue Act. In the facts of the

present case, I find absolutely no reason to exercise my extraordinary writ jurisdiction.

The writ petition is dismissed as not maintainable.

REKHA PALLI, J

MAY 10, 2018

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