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

+ **W.P.(CRL) 3116/2025**

DEEPAK @ DEEPU

.....Petitioner

Through: Mr.Ravi Kant Yadav, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.Amol Sinha, ASC for State with
WSI Neelu, PS Dwarka North

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **23.09.2025**

Crl.M.A. Nos. 28778/2025 & 28779/2025 (Exemptions)

Exemptions allowed, subject to just exceptions.

The applications stand disposed of.

W.P.(Crl.) 3116/2025 and Crl.M.A. 28777/2025

1. Petitioner is before this Court seeking quashing and setting aside the externment order dated 06.08.2025 passed by the Additional Deputy Commissioner of Police, Dwarka, New Delhi in exercise of powers under Sections 47/50 of the Delhi Police Act, 1978.
2. Learned ASC for State appears on advance service of petition.
3. At the very outset, learned counsel for the State objects to the maintainability of the writ petition without resorting to the alternative statutory remedy of the appeal under Delhi Police Act, 1978.
4. Section 51 of the Act, *ibid*, for ease of reference, is reproduced below:



“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.

(2) An appeal under this section shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by that order or a certified copy thereof.

(3) On receipt of such appeal, the Administrator may, after giving a reasonable opportunity to the appellant to be heard either personally or by a counsel and after such further inquiry, if any, as he may deem necessary, confirm, vary or set aside the order appealed against: Provided that the order appealed against shall remain in force pending the disposal of the appeal, unless the Administrator otherwise directs.

(4) The Administrator shall make every endeavour to dispose of an appeal under this section within a period of three months from the date of receipt of such appeal.

(5) In calculating the period of thirty days provided for an appeal under this section, the time taken for obtaining a certified copy of the order appealed against, shall be excluded.”

5. Apropos, upon being confronted, learned counsel for the petitioner does not dispute that there is indeed an alternative remedy provided.

6. Having seen the aforesaid Section 51, I am also in agreement with the objection raised, as above, by the learned state counsel.

7. In view thereof, the writ petition is disposed of with liberty to the petitioner to seek his alternative remedy in accordance with law. In case, petitioner resorts to the same, the time taken before this Court shall be excluded from the period of limitation.

ARUN MONGA, J

SEPTEMBER 23, 2025/SV