

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 7786 of 2021

Petitioner :- Rajkumar Oberoi And Another

Respondent :- Mohammad Ashraf Khan

Counsel for Petitioner :- Mukesh Chandra Gupta, Shubham
Prakash Gupta

Counsel for Respondent :- Utpal Chatterji, Sanjay Agrawal

Hon'ble Prakash Padia, J.

1. Rejoinder affidavit has been filed today, the same is taken on record.
2. A preliminary objection has been raised by Shri Utpal Chatterji, learned counsel appearing on behalf of respondent that though the present petition has been filed under Article 227 of the Constitution of India but a prayer for mandamus has been sought for by way of relief No.1 (repeated). Further it is pointed out that in the affidavit in all the places (writ petition) has been mentioned. It is further argued that declaration has been given by the counsel for the petitioners on 25.11.2021 while filing the petition that he will file a hard copy of the proper affidavit when the Hon'ble Court will call for the Affidavit.
3. After some arguments, a prayer has been made by the counsel for the petitioners to dismiss the present petition as not pressed with liberty to file a fresh petition.
4. This prayer has not been opposed by the counsel for the respondent.
5. In the interest of justice, the present petition is dismissed as not pressed with liberty as prayed.
6. Certified copy of order which is appended along-with the petition, office is directed to return the same to the learned counsel for the petitioners, after keeping the photocopy of the same.
7. It is made clear that in case the petitioners will file a fresh petition, they will serve the notice of the petition upon Shri Utpal Chatterji, learned counsel appearing on behalf of respondent.

Order Date :- 16.11.2023

Swati