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

+ W.P.(C) 6790/2013

SOM NATH

..... Petitioner

Through: Mr. S.D. Dixit, Adv.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Ms. Deepika, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

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**04.08.2015**

1. This writ petition is directed, in effect, against the rejection of the petitioner's claim for allotment of alternate plot. There are two communications issued by the respondent in this behalf. These are 20.12.2012 and 27.2.2013. The only reason given by the respondent for rejection of the petitioner's application is that the petitioner had executed a relinquishment deed dated 9.3.1983 in favour one Om Prakash and, therefore, was not entitled to press his claim for an alternate plot.

2. To be noted, the record shows that the relinquishment deed dated 9.3.1983 is a registered document.

3. The petitioner's stand before me is that this document was never executed by him, as contended by the respondent. It is also the learned counsel's submission that the said person, i.e. Om Prakash, has filed an affidavit in this court, which is indicative of the fact that Om Prakash is not laying claim to an alternate plot.

4. Pertinently, the affidavit of Om Prakash has been filed along with the rejoinder filed by the petitioner in this court.
5. Having regard to the aforesaid, it is clear that this aspect cannot be adjudicated upon in the present proceedings, as it involves disputed questions of fact. Whether or not the relinquishment deed dated 9.3.1983 was, in fact, executed by the petitioner would require evidence and the matter can only be settled by way of trial in a suit.
6. At this stage, learned counsel for the petitioner seeks leave to withdraw the writ petition with liberty to approach the appropriate court by way of suitable action.
7. The writ petition is, accordingly, dismissed as withdrawn with liberty, as prayed for, albeit in accordance with law.
8. If an action is filed by the petitioner, it will be open to the respondent to take recourse to all defences that may be available to it under law.

**RAJIV SHAKDHER, J**

**AUGUST 04, 2015**

s.pal

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