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

+ CM No.3942/2013 & 3948/2015 in W.P.(C) 2076/2013

RAJIV BABBAR AND ORS Petitioners
Through: Petitioner No.1 in person.

versus

D.D.A.AND ORS Respondents
Through: Mr. Rajiv Nayar, Sr. Adv. with Mr. Nakul, Mr. M. Mudgal and Mr. Raghav, Advs. for R3.
Mr. Peeyoosh Kalra, Additional Standing Counsel for GNCTD with Ms. Sona Babbar, Adv. for R2.
Mr. Ajay Verma, Senior Standing Counsel with Mr.Vaibhav Mishra, Adv. for DDA.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
29.03.2016

1. Mr. Rajiv Nayar, learned senior counsel for respondent No.3 seeks correction of paras 2 and 3 of the order dated 16th March, 2016 to the extent that “petitioner No.1” mentioned in the said paras be corrected as “petitioner No.2”. The order dated 16th March, 2016 is corrected and “petitioner No.1” in paras No.2 and 3 of the order dated 16th March, 2016 are corrected and be read as under:-

2. *There is no appearance on behalf of petitioners No.2 to 4, 6 to 8, 10, 12 to 17 and 20.*

3. *The writ petition with respect to petitioners No.2 to 4, 6 to 8, 10, 12 to 17 and 20 is dismissed.*

2. The petitioner purchased one shop bearing No. DSC-320, DLF, South

Court Mall, Saket, New Delhi from DLF Retail Developers Limited in the year 2010. The main grievance of the petitioner is that respondent No.3 has converted the retail Mall into an office Mall in violation of the directions of the perpetual lease deed and the sanctioned plans. The petitioner has filed this Writ Petition primarily to seek the direction to DLF Retail Developers Limited to use the Mall as a Shopping Mall.

3. Mr. Rajiv Nayar, learned senior counsel for respondent No.3 submits that the Writ Petition is not maintainable and the petitioner can seek his remedy before the Civil Court. It is further submitted that the disputed questions of facts arise for consideration in this Writ Petition which would require recording of evidence and the Writ Petition is not maintainable on this ground as well.

4. After some hearing, petitioner No.1 present in person seeks permission to withdraw this Writ Petition with liberty to file a Civil Suit or a complaint before the District Forum/State Consumer Redressal Commission. Petitioner No.1 further submits that the respondents should not raise the plea of limitation as the petitioner was before this Court since April, 2013. Petitioner No.1 further submits that the matter be referred to mediation to enable him to make an endeavour to amicably settle the disputes with respondent No.3.

5. Mr. Rajiv Nayar, learned senior counsel for respondent No.3 has no objection to the above.

6. The Writ Petition is dismissed as withdrawn with liberty as prayed for. No objection of limitation shall be raised if petitioner No.1 files the Civil suit or a complaint before District Consumer Forum/State Consumer Redressal Commission within a period of 60 days from today. Pending applications are disposed of.

7. With the consent of both the parties, disputes between the parties are

referred to Delhi High Court Mediation and Conciliation Centre to make an endeavour to amicably resolve the disputes between petitioners and respondent No.3.

8. Considering the nature of disputes involved, Delhi High Court Mediation and Conciliation Centre shall appoint a senior mediator to mediate between the parties. The parties shall appear before the learned mediator on 31st March, 2016 at 03.00 P.M. The learned mediator shall complete the mediation proceedings within a period of 30 days so that in the event of mediation not being successful, the petitioner can avail the appropriate legal remedies available to him within the period mentioned above.

9. Copy of this order be given dasti to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

MARCH 29, 2016
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