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

+ LPA 130/2016 & C.M.No.7248/2016

D K BHANDARI

..... Appellant

Through: Mr.J.P.Sengh, Sr.Adv. with Ms.Smita Mahajan, Mr.Rohit Sharma, Ms.Venessa Singh, Ms.Sana Ansari Adv.

Versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.Rajat Malhotra, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

29.02.2016

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1. The unsuccessful petitioner in W.P.(C) No.9340/2015 is the appellant before us.
2. By the order under appeal, the writ petition was dismissed by the learned Single Judge observing that the matter involves serious disputed questions of fact which cannot be adjudicated in writ proceedings. However, the learned Single Judge granted liberty to the petitioner/appellant herein to file appropriate proceedings in accordance with law.
3. Having heard the learned counsel for both the parties, though we are unable to hold that the order under appeal suffered from any infirmity, in the peculiar facts and circumstances of the case we accede to the request of the learned senior counsel appearing for the appellant/writ petitioner to permit the appellant to withdraw the appeal as well as the writ petition so as to enable him to take resort to the other appropriate proceedings for redressal of his grievance.

4. Accordingly, we set aside the order under appeal and both W.P.(C) No.9340/2015 and the present appeal shall stand dismissed as withdrawn.

5. It is made clear that the appellant is at liberty to work out the other remedies available under law including moving an appropriate application before the respondent No.2 herein where eviction proceedings relating to Khasra No.26 and 29 are stated to be pending.

CHIEF JUSTICE

JAYANT NATH, J

FEBRUARY 29, 2016

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