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

+ W.P.(C) 8220/2016 and CM APPL. 34085/2016

SHIV KUMAR

..... Petitioner

Through: Mr. Rishikesh Kumar, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR..... Respondents

Through: Mr. Vivek B. Saharya, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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23.09.2016

1. The present petition has been filed by the petitioner in his individual capacity, assailing an order dated 31.08.2016, passed by the respondents/NDMC, cancelling the booking made by him of Jhanda Park situated in D-Block, Netaji Nagar, for celebrating Ramleela/Dushera festival from 02.10.2016 to 11.10.2016.

2. Counsel for the petitioner submits that the petitioner is the President of the C-Block CGERWA and has filed the present petition in the said capacity. However, the said submission is not borne out either from a perusal of the memo of parties or from the affidavit filed by the petitioner in support of the present petition.

3. Learned counsel for the petitioner concedes that the petition has erroneously been filed by the petitioner in his individual capacity, though

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the same ought to have been filed for and on behalf of the RWA, of which he is the President. He seeks leave to withdraw the present petition while reserving the right of the petitioner to file a fresh petition in the capacity of the President of the RWA, for the same relief.

5. Leave, as prayed for, is granted. The petition is dismissed as withdrawn alongwith the pending applications.

SEPTEMBER 23, 2016

rkb/ap

HIMA KOHLI, J

