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

+ W.P.(C) 8371/2016 & C.M.Nos.34658/2016, 37733/2016, 37893-37895/2016

DHARMA PAL MITTAL & ORS.

..... Petitioners

Through Mr.Rajeev Nayyar, Sr.Advocate with  
Mr.Mahipal Singh Rajput, Advocate.

versus

THE DELHI CANTONMENT BOARD & ORS. .... Respondents

Through Mr.Anchit Sharma with Mr.Tarveen  
Singh Nanda and Ms.Satamita Ghosh,  
Advocates for Delhi Cantonment Board.  
Mr.Sanjay Dewan, Advocate for R- 3&4.  
Ms.Priyanka Sharma Goswami with  
Ms.Anusuya Sadhu Sinha and Mr.Saikat  
Sarkar, Advocates for impleader in  
C.M.No.37733/2016.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

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**07.10.2016**

Present writ petition has been filed challenging the decision of the Cantonment Board dated 15<sup>th</sup> September, 2016 temporarily withholding the permission for grant of celebrating Dushera Festival.

The permission that had been granted to the petitioners i.e. Shree Dushera Samiti specifically stated that the petitioners would use the Dushera ground jointly with Raghunandan Leela Samiti for organizing their programmes. Consequently, the initial permission was based on the premise that both Shree Dushera Samiti and Raghunandan Leela Samiti would organise the programmes jointly, amicably and cordially.

In the counter-affidavit filed by Delhi Cantonment Board, it has been stated that the petitioner-Samiti failed to work in cooperation with

Raghunandan Leela Samiti. In fact, it is stated that the petitioners did not even attend the meeting which was called by the respondent-Delhi Cantonment Board on 29<sup>th</sup> September, 2016 to resolve the dispute between the parties.

Today, two impleadment applications have been filed. While CM Appl. No. 37733/2016 has been filed by applicants who claim to be the duly elected management and office bearers of Shree Dushera Samiti stating that the petitioners do not have the locus standi to file the present writ petition as they are not the elected office bearers of the said Samiti; CM Appl. No. 37893/2016 has been filed by Brig. Pradeep Kumar Upmanyu stating that the petitioners have been holding Dushera festivals only to raise funds from the public. He states that the petitioners have not filed any income tax returns till date.

Keeping in view the aforesaid controversies, this Court is of the view that serious disputed questions of fact arise for consideration in the present proceedings.

At this stage, Mr.Rajiv Nayyar, learned senior counsel for the petitioners states that he wishes to withdraw the present writ petition with liberty to file a suit.

With the aforesaid liberty, present writ petition and the applications are dismissed as withdrawn. The rights and contentions of all the parties are left open.

Order *dasti* under the signatures of Court Master.

**MANMOHAN, J**

**OCTOBER 07, 2016**  
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