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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8736/2015**
AJAY KUMAR

..... Petitioner

Through Mr. R.S. Rana, Adv.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Naushad Ahmad Khan, ASC with
Ms. Astha Nigam, Adv for R-1 to
R-3.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **03.08.2016**

The petitioner is aggrieved by the order passed by the Tehsildar on 15.06.2009. While passing this order, the Tehsildar was of the view that the petitioner is not in cultivatory possession of the disputed land. The contention of the petitioner is that this order had been passed pursuant to another order passed by a Bench of this Court wherein inspection had been directed to be ordered; submission being that no notice of the aforementioned inspection was given to the petitioner; the order of the Tehsildar holding that the petitioner is not in cultivatory possession is factually incorrect.

Pursuant to this order passed on 15.06.2009, contempt proceedings have been initiated. This appears to be clear from the record. The first order passed in the contempt case (being Cont. Case No. 499/2009) has not been placed on record. However review of

that order was sought for. This was on 28.10.2014. In the last line of that order, the Court had held that if the petitioner is still aggrieved by the order date 15.06.2009, he is free to challenge that. Vehement submission of the learned counsel for the petitioner is that this order had in fact granted liberty to the petitioner to approach this Court. This Court is not in agreement with this submission of the learned counsel for the petitioner. By that order, the petitioner has been granted liberty to challenge the order passed by the Tehsildar which was dated 15.06.2009 and an order passed by the Tehsildar is admittedly to be challenged before the appellate body which is the Court of Deputy Commissioner.

At this stage, leaned counsel for the petitioner seeks permission of this Court to withdraw this petition with liberty granted to him to approach the appropriate forum. This liberty is granted in accordance with law.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

AUGUST 03, 2016

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