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

+ **W.P.(C) 11401/2015 and CM APPL. 30024/2015**

HARIOM GURJAR & ANR Petitioners

Through: Mr. H.C. Ganeshia, Advocate with
Mr. Rakesh Kumar Tewari and Mr. Devendra
Kumar Shukla, Advocates

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Rajan Sabharwal, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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17.05.2016

1. On the last date of hearing, counsel for the petitioners was requested to address arguments on the maintainability of the present petition in view of the objection raised by the other side that no part of the actionable cause of action had arisen in Delhi for the petitioners to approach this Court for relief. At that stage, counsel for the petitioners had relied upon certain decisions of the Division Bench of this Court to contend that the present petition is maintainable in this Court. Counsel for the respondents had sought time to peruse the said decisions and address arguments on the

aforesaid aspect.

2. Today, Mr. Sabharwal, learned counsel for the respondents states that the decision relied upon by the counsel for the petitioners do not deal with the issue of territorial jurisdiction at all and therefore, they would not be of any assistance to the petitioners.

3. The aforesaid position is conceded by learned counsel for the petitioners, who states that instead of pressing the present petition, the petitioners may be permitted to withdraw the same while reserving their right to approach the respondents by filing a representation to ventilate their grievances and the respondents be directed to consider and decide the same in accordance with law.

4. While granting liberty to the petitioners to withdraw the present petition and file a representation to the respondents to ventilate their grievance, the present petition is dismissed as withdrawn. The petitioners shall file a representation before the respondents within three weeks from today and the same shall be decided by the respondents within six weeks from the date of receipt thereof, under written intimation to the petitioners.

5. It is however, made clear that if a decision is taken by the Competent Authority on the representation of the petitioners, the said decision would

not be a ground to vest the jurisdiction on this Court and if aggrieved, the petitioners shall be at liberty to approach the competent court vested with territorial jurisdiction to agitate their grievance.

6. The petition is disposed of alongwith the pending application.

HIMA KOHLI, J

ASHUTOSH KUMAR, J

MAY 17, 2016

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