

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.26333 of 2017
Date of decision:21.11.2017**

Capt. Rajesh Chopra and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. O.P.Goyal, Senior Advocate with
Mr. Piyush Aggarwal, Advocate and
Ms. Ritika Gupta, Advocate
for the petitioners.

Mr. Kshitij Sharma, Advocate
for the caveator.

AJAY KUMAR MITTAL, J. (ORAL)

1. In this writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing respondent no.5 to issue notice inviting tender to grant lease for one of the four places as given in Annexure P-3 other than the front lawn of the HUDA Gymkhana Club, Gurugram and for restoration of the grassy lawn to its original position which has been vandalized by respondent No.6 and also order the transfer of civil suit titled as Billu Tent House vs. HUDA etc., fixed for 04.12.2017.

2. After arguing for some time, learned Senior counsel for the petitioners submitted that since the petitioners have remedies under the Code of Civil Procedure (in short 'CPC'), either to become a party under Order 1 Rule 10 CPC or to file an independent suit, he may be allowed to withdraw the present writ petition with liberty to the petitioners to avail the remedies before the Civil Court.

3. Dismissed as withdrawn.

4. However, it shall be open to the petitioners to take recourse to the remedies as may be available to them, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

November 21, 2017
savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No