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

+ W.P.(C) 3263/2017 and C.M. Appl. 14223/2017

SMT. NATHIYA DEVI

..... Petitioner

Through: Mr. Kirti Uppal, Senior Advocate
with Ms. Aastha Dhawan, Ms.
Wamika Trehan and Ms. Gauri P.
Desai, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. Respondents

Through: Mr. Sri Harsha Peechara, ASC for
NDMC with Mr. Nilesh Sawhney,
Advocate with Mr. YVVJ
Rajshekhar, Director (Enforcement)

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **31.05.2017**

C.M. Appl. 22193/2017

Allowed, subject to just exceptions.

C.M. Appl. 22192/2017

1. Issue notice. Learned counsel for the respondents accepts notice.
2. Learned senior counsel for the petitioner submits that the Estate Officer has passed the eviction order dated 26th May, 2017 copy whereof has been placed on record as Annexure-C with this application.
3. Learned counsel for the respondents submits that the petitioner has remedy of appeal against the order dated 26th May, 2017 before the District Judge.
4. At this stage, learned senior counsel for the petitioner, on instructions from the petitioner, seeks permission to withdrawn the writ petition as well

as this application with liberty to file an appeal against the order dated 26th May, 2017 passed by the Estate Officer.

5. The writ petition and the pending applications are dismissed as withdrawn with liberty to the petitioner to file an appeal before the District Judge. The petitioner is at liberty to urge the grounds raised in this writ petition in the appeal.

6. The respondents shall withhold coercive action against the petitioner till 09th June, 2017 to enable the petitioner to file the appeal.

7. The date of 04th September, 2017 is cancelled.

8. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

MAY 31, 2017
rsk