

\$~13

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

+ W.P.(C) 1337/2017

M/S ANANT RAJ LIMITED

..... Petitioner

Through: Ms. Biji Rajesh & Mr. Rajeev
Kumar Yadav, Advocates

Versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Anand V.Khatri, Advocate
Mr. Jai Sahai Endlwaw, Mr. Neeraj
Chaudhari & Ms. Saakshi
Agarwal, Advocates for applicant-
Nalini Deka (C.M. 32432/2018)
Mr. O.P.Verma, Advocate for
applicant- *Shan Mohd. (C.M.
32435/2018)*
Mr. V.K.Jain, Mr. Sanjeev
Bhardwaj & Mr. Shailender
Sharma, Advocate for applicant-
Vivek Kapur (C.M. 32429/2018)

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

20.08.2018

**W.P.(C) 1337/2017 & C.M.31644/2018 & C.M. 35286/2017; C.M.
32429/2018 & C.M. 32432/2018; 32435/2018 & C.M. 32436/2018 (for
stay)**

In this writ petition, a mandamus is sought to respondent to conduct re-demarcation exercise through Total Station Method in respect of subject land. During pendency of this petition, interim orders of 30th March, 2017; 9th July, 2017; 15th January, 2018; 25th April, 2018 and lastly, 28th May, 2018 have been passed.

According to petitioner's counsel, the relief sought in this petition

stands granted and so, by way of C.M. 31644/2018, withdrawal of writ petition is sought. Applications for impleadment have been also filed in this petition. The opposition to withdrawal of this petition by counsel for applicants is on the ground that without orders of the Court, demarcation has been got done by petitioner by encroaching upon the adjoining land and a part of the road. This is disputed by petitioner's counsel.

Be that as it may. It was brought to the notice of this Court by one of the applicants that a fresh writ petition against demarcation done is being filed and on behalf of another applicant, it is submitted that a civil suit is already pending. Counsel for third applicant submits that against encroachment on the road by petitioner, action is being contemplated against petitioner.

In the light of afore-noted facts, it is deemed appropriate to allow C.M. 31644/2018 and to permit petitioner to withdraw the petition, with liberty to applicants to seek recourse in law against demarcation and erection of pillars, which is said to have been done during pendency of this petition and also to take action against petitioner for perjury, contempt etc., if so advised.

With aforesaid observations, C.M. 31644/2018 is allowed and this petition and C.M. 35286/2017 (filed by petitioner) are dismissed as withdrawn. Other pending applications are dismissed as infructuous.

(SUNIL GAUR)
JUDGE

AUGUST 20, 2018

r