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

+ W.P.(C) 10129/2018 & CM No. 39522/2018 (Exemption)

BUTAN RAI

..... Petitioner

Through Mr. Santosh Kumar Suman,
Advocate.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS..... Respondents

Through Mr. Sanjay Singh, Advocate for
respondent No. 1/DDA.

Ms. Shobhana Takiar, Advocate for
respondent Nos. 2, 3 & 4.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

% **25.09.2018**

The present petition under Article 226 of the Constitution of India,
prays as follows:-

“a) issue an appropriate writ, order or direction in the nature of mandamus directing the Respondents No. 1 to 5 to evict the Respondent No.6 from the premises of the petitioner and petitioner may be allowed to enter in his own premises/house i.e.E-83, DDA Colony, Khyala, New Delhi, in the interest of justice and equity;

b) pass any other and further order as this Hon’ble Court may deem, just, fit and proper in the facts and circumstances of the case.”

A plain reading of the above extracted prayer clauses would reflect that, the same cannot be granted in the present extraordinary proceedings under Article 226 of the Constitution of India and the petition itself is, therefore, not maintainable.

After some arguments, learned counsel appearing on behalf of the petitioner, seeks leave to withdraw this petition, with liberty to institute appropriate proceedings, in accordance with law.

Leave and liberty granted.

The petition is dismissed as withdrawn and disposed of accordingly. Pending application also stands disposed of.

SIDDHARTH MRIDUL, J

SEPTEMBER 25, 2018
RS

