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

+ W.P.(C) 8577/2016 & C.M. No.35309/2016 (for stay)

HEMWATI

..... Petitioner

Through Mr.Lalit Gupta, Adv. with
Mr.Siddharth Arora, Adv.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through Mr.Pankaj K. Sinha, Adv. with
Mr.Kanishk Arora, Adv. for R-1 to 3.
Mr.Anil K. Pruthi, Adv. for R-4.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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10.04.2018

Vide the present petition, the petitioner has sought a declaration that the proposed action of demolition and removal of encroachment on the suit property by the respondents, be declared as illegal. The record shows that while issuing notice, vide order dated 23rd September, 2016, this Court had directed that no coercive steps be taken against the petitioner till the next date of hearing. The said order has continued from time to time. The respondents have filed a counter affidavit vehemently opposing the petition. Though the petitioner was granted time to file rejoinder, the same has not been filed.

Learned counsel for the petitioner submits that in view of the nature of objections raised by the respondents, it is apparent that

certain disputed questions of fact arise in the matter and, therefore, seeks leave to withdraw the present petition with liberty to file a suit with an appropriate relief. He, however, prays that the said interim order may be continued for a period of four weeks.

Having heard learned counsel for the parties, I am of the opinion that various disputed questions of fact have been raised by the parties in the present petition, which cannot be determined under writ jurisdiction. I, therefore, see no reason to decline the prayer of the petitioner.

It is further directed that the interim order restraining the respondents from taking any coercive steps against the petitioner, would enure to the petitioner only for a further period of four weeks from today.

It is made clear that this Court has not expressed any opinion on the merits of the rival claims made by the parties.

The petition and application are, accordingly, dismissed as withdrawn with liberty to the petitioner to take appropriate steps as may be advised, including but not limited to the filing of a civil suit.

Dasti.

REKHA PALLI, J

APRIL 10, 2018/aa