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

+ **W.P.(C) 1251/2018**

LAJINDER SINGH

..... Petitioner

Through: Mr. Counsel (appearance not given)

versus

S.D.M.C AND ANR.

..... Respondents

Through: Ms. Mini Pushkarna, SC with
Ms. Shiva Pandey, Adv. for SDMC
Ms. Hetu Arora Sethi, ASC with Mr.
Siddarth Agarwal, Adv. for GNCTD

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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15.04.2019

1. This writ petition has been filed by the petitioner with the following prayers:

“In view of the aforesaid facts and circumstances of the case, it is, therefore, most respectfully prayed to this Hon’ble Court:

a. To issue a writ in the nature of mandamus, or in other alternative writ, order or direction to restrain the respondents from interfering in the restoration of the wall marked as ‘ED’ in the site plan as per the decree dated 17.11.2011 within the legal limits set by the applicable bye-laws.

b. to issue any other further order as this Hon'ble Court may deem fit and proper in the present facts and circumstances of the case and in the interest of justice.”

2. Pursuant to order dated March 29, 2019, the Division Bench has passed a detailed order on April 8, 2019. The relevant part of the order reads as under:

“Construction / restoration of a wall in compliance of a decree, which has become final, is surely not unauthorized construction that would fall within the mischief contemplated by the various orders.

With the aforesaid clarification, the learned Single Judge may proceed in the matter; and decide the issues in accordance with law.”

3. In view of the order passed by the Division Bench, learned counsel for the petitioner seeks to withdraw the writ petition to enable the petitioner seek execution of the decree / judgment dated November 17, 2011 in CS No.1635/2009. If that be so, the writ petition is dismissed as withdrawn to enable the petitioner to seek execution of the aforesaid judgment / decree.

4. The writ petition is dismissed as withdrawn.

V. KAMESWAR RAO, J

APRIL 15, 2019/aky