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

+ W.P.(C) 11283/2017 & C.M. APPL. 46137/2017 (stay)

SH. RAJU KHAN

..... Petitioner

Through: Mr. P D Tiwari, Mr. Irfan Firdaus &
Mr Nitin Aggarwal, Advocates

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Kumar Rajesh Singh &
Ms. Punam Singh, Advocates for R-1
and 2

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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13.02.2020

1. The present petition has been filed by the petitioner as a Power of Attorney holder of Smt. Saroj Nagpal, who was allotted a PCO Booth adjacent to Mother Dairy, in Old Rajinder Nagar, New Delhi under the 'Handicap' category, stating *inter alia* that he may not be dispossessed from the said site.

2. Learned counsel for the respondents No.1 & 2 states that while the allotment made by the MCD in favour of Smt. Saroj Nagpal was cancelled on 05.08.2002, the POA executed by Smt. Saroj Nagpal in favour of the petitioner herein is dated 09.03.2004 and the same is of no consequence. He states that in any case, the original allottee was not empowered to transfer the site to any third party on the strength of a POA.

3. At this stage, learned counsel for the petitioner seeks leave to withdraw the present petition while reserving the right of his client to approach the Town Vending Committee (TVC) for appropriate relief.
4. Leave, as prayed for, is granted without making any observations on the merits/demerits of such an application that may be filed by the petitioner and while reserving the right of the respondent/NrDMC to take all pleas in opposition that may be available to it, in accordance with law.
5. The petition is disposed of alongwith the pending application.

HIMA KOHLI, J

ASHA MENON, J

FEBRUARY 13, 2020

Sm/s