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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5136/2024 & CM APPL. 39652/2024

FAIZYAB MASJID AND MADARSA

.....Petitioner

Through: Mr. Fuzail Ahmad Ayyubi, Adv.

versus

RELIGIOUS COMMITTEE AND ORS.

.....Respondent

Through: Mr. Sanjay Katiyal (SC), Mr.
Gaganmeet Singh Sachdeva,
Additional Standing Counsel for
DDA.

Mr. Aniket Goel, Asst. Law Officer
(NDMC).

Ms. Shobhna Takiar, Standing
Counsel for R-2/DDA.

Mrs. Farhat Jaha Rehmani(ASC), Mr.
Monish, Mr. Murshlin Ansari,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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16.07.2024

1. This petition is listed on the application being CM APPL 39652/2024. The petitioner has fairly placed on record copy of order dated 12.06.2024 which has been passed by this Court in his writ petition bearing no. WP(C) No. 8626 of 2024. The order dated 12.06.2024 reads as under:-

"3. He further submits that the order writ petition filed by this present petitioner bearing no. W.P.(C) 5136/2024 shall accordingly be withdrawn.

4. Mr. Deen Mohammad, who is caretaker and authorized representative of the present petitioner, is present in Court and identified by the Learned counsel, submits that premises shall be vacated within a period of one month from today and the petitioner or any other person claiming through it shall not make any further endeavor to stall the drive undertaken by respondent Nos. 1 and 2. It is further stated that there is no other occupant with regard to the Mosque and Madarsa situated at the



subject property and any other occupant, if any, at the aforesaid property, claiming through the petitioner shall be removed within one month from today.

5. *In view of the undertaking given by the caretaker of the petitioner before this Court, respondent Nos. 1 and 2 are directed to grant a period of one month to the petitioner or any other person claiming: through it to vacate the subject premises i.e Mosque and Madarsa situated at Khasra No. 17, Bhehlolpur Khadar, Sarai Kale Khan, Harzat Nizamuddin, New Delhi.*

6. *It is made clear that no further extension of time shall be granted to the petitioner or any other person claiming on behalf of the petitioner with respect to the aforesaid property as the subject property is required for public purposes.*

7. *In view of the above, learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition.*

8. *Leave granted.*

9. *The present petition is dismissed as withdrawn and disposed of accordingly.*

10. *Pending application(s), if any, also stands disposed of accordingly.*

11. *The petitioner shall abide by the undertaking given by their caretaker and authorized representative in the aforesaid terms in accordance with law.*

12. *The order be uploaded on the website of this Court, forthwith."*

2. The paragraph no.3 of the order dated 12.06.2024 would clearly indicate that the petitioner had undertaken to withdraw the instant writ petition which is writ petition W.P.(C) 5136/2024.

3. The petitioner, however, submits that inadvertently and on account of some misunderstanding, he had given certain undertaking before the writ Court in Writ Petition bearing no. W.P.(C) 8626/2024. He, therefore, submits that the said undertaking should not come in his way in prosecution of the instant Writ Petition. It is further conceded that the petitioner did file review petition in W.P.(C) 8626/2024, which again came to be dismissed.

4. The Court has considered the aforesaid submissions. In view of the clear undertaking in W.P.(C) 8626/2024, the present petition cannot survive. Accordingly, the same is dismissed. The petitioner, however, shall be at



liberty to take appropriate steps with respect to the order passed in W.P.(C) 8626/2024.

5. The date already fixed stands cancelled.

PURUSHAINdra KUMAR KAURAV, J

JULY 16, 2024/KG