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

+ **W.P.(C) 10181/2024**

SARWAR MOHAMMAD

.....Petitioner

Through: Mr. Pulkit Prakash, Mr. Saimon Farroqui, Mr. Arjun Mohan, Ms. Supriya and Mr. Chirantan Krishna, Mr. Bipul Kumar and Ms. Arushi Sharma, Advs.

versus

INDO-TIBETAN BORDER POLICE FORCERespondent

Through: Mr. Nirvikar Verma, Adv. with Mr. Devender Singh, DC(JAG), ITBP

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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25.07.2024

CM APPL. 41781/2024 - Stay

1. The present application under Section 151 CPC has been filed by the petitioner seeking stay of the operation of the impugned order dated 31.05.2023.

2. After some arguments, learned counsel for the petitioner does not press the application at this stage. The application is accordingly, disposed of as not pressed.

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3. The petitioner has approached this Court under Article 226 of the Constitution of India assailing the order dated 31.05.2023 passed by the



Inspector General, North West Command, ITBP rejecting his prayer for setting aside the order dated 27.03.2023 passed by the Deputy IG, SHQ Srinagar, vide which he was compulsorily retired from service.

4. At the outset, learned counsel for the respondent who appears on advance notice opposes the petition by contending that this Court does not have territorial jurisdiction to entertain the present petition as both the impugned orders dated 27.03.2023 and 31.05.2023 were passed in the Union Territory of Jammu and Kashmir.

5. When faced with the situation, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to file a petition in the Court having the necessary territorial jurisdiction.

6. The writ petition is accordingly disposed of with liberty as prayed for making it clear that this Court has not expressed any opinion on the merits of the petitioner's claim.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 25, 2024
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