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

+ **W.P.(C) 10566/2024 & CM APPLs. 43429-30/2024**

SMT. KAILASH VERMA

.....Petitioner

Through: **Mr. Awadhesh Kumar, Advocate**

versus

NDMC & ANR.

.....Respondents

Through: **Mr. Dhruv Mohan, Ms. Tarana Khan
and Ms. Madhu Vishnoi, Advocates
for R-1**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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31.07.2024

1. The present petition is filed under Articles 226-227 of the Constitution to impugn the order dated 05.06.2024 passed by the court of Sh. R.P. Sati, Estate Officer, New Delhi Municipal Council, Palika Kendra, Sansad Marg, New Delhi in case bearing no. 03/13/2013/EO dated 03.05.2013 titled as **New Delhi Municipal Council V Kailash Verma and Anr.**

2. The Estate Officer vide order dated 05.06.2024 in case bearing no. 03/13/2013/EO dated 03.05.2013, observed that the petitioner is in unauthorized occupation of Thara no. 2-A, Hanuman Mandir Complex on Baba Kharak Singh Marg, New Delhi and accordingly, the application dated 30.04.2013, was filed by the respondent no. 1, was allowed.

3. Mr. Dhruv Mohan, Advocate appearing on behalf of the respondent no. 1 who appeared on an advance notice, stated that the present writ



petition is not maintainable in view of section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 as the appropriate remedy for the petitioner is to file an appeal before the District Judge of the district in which the public premises are situated.

4. Mr. Awadhesh Kumar, Advocate for the petitioner seeks permission to withdraw the present petition with liberty to initiate appropriate legal proceedings to impugn the order dated 05.06.2024 passed by the court of Sh. R.P. Sati, Estate Officer, New Delhi Municipal Council, Palika Kendra, Sansad Marg, New Delhi.

5. Accordingly, the present petition along with pending applications, stands dismissed as withdrawn with liberty to the petitioner to initiate appropriate legal proceedings to impugn the order dated 05.06.2024 strictly in accordance with law and the appellate authority shall consider the appeal on its own merits.

DR. SUDHIR KUMAR JAIN, J

JULY 31, 2024

N/AM