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

+ LPA 529/2024 & C.M.Nos.36517-36518/2024

OM PARKASH JATAV

.....Appellant

Through: Dr.M.K.Ghalaut with Mr.Aakash
Anand, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr.Anupam Srivastava, ASC,
GNCTD with Mr.Deepak Jain and
Ms.Ekta Kundu, Advocates for R-1,
5, 6, & 8.
Mr.Badar Mahmood with Mr.Ammar
Ahmad, Advocates for R-2/MCD.
Mr.Subhash Bairwa, Advocate for R-
7.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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03.07.2024

1. Present appeal has been filed challenging the impugned judgment dated 12th October, 2023 passed by the learned Single Judge in W.P.(C) 9959/2016, whereby the writ petition was disposed of on account of removal of unauthorised construction (except the sanctum sanctorum) over government land measuring about 77 feet x 59 feet at T-Point of Road No. 28 and the road namely Bairwa Sant Shri Shiromani Maharishi Bali Nath Marg, Tagore Garden Extn., New Delhi-110027.
2. A perusal of the paper book reveals that the impugned order was consensual. In paragraph 6 of the impugned order, the learned Single Judge has specifically recorded as under:-



“6. As the action of demolition in terms of the unauthorised construction [except for the central sanctum] has already taken place, the petitioner in person does not seek any further orders in this writ petition.”

3. At this stage, learned counsel for the appellant-petitioner states that the concession recorded in paragraph 6 of the impugned order is wrong as no such concession had been given.

4. It is settled law that any concession or statement recorded by the Court is correct and cannot be contradicted except before the Court which has recorded such a statement [See: ***State of Maharashtra vs. Ramdas Shrinivas Nayak & Anr. (1982) 2 SCC 463***]

5. At this stage, learned counsel for the appellant states that he would like to withdraw the present appeal with liberty to approach the learned Single Judge with an application for withdrawal of the alleged consent that has been recorded in the impugned order.

6. With the aforesaid liberty, the present appeal along with the applications is dismissed as withdrawn. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 3, 2024
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