



\$~116

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

+ **W.P.(C) 15730/2024 & CM APPL. 66075/2024**

**Y BLOCK MANGOLPURI MUHAMMADI MASJID AND
MADARSA ANWARUL ULOOM WELFARE
ASSOCIATION**

.....Petitioner

Through: Mr. Kamlesh Kumar Mishra, Mr.
Shabnam, Mr. Thoppani Sanjeev,
Ms. Renu, Mr. Shivam and Ms.
Snigdha, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: Mr. Sanjay Vashishtha, SC with
Ms. Harshita Rai and Ms. Vasudha
Saini, Advocates for MCD.
Mr. Ripu Daman Bhardwaj, CGSC
for UOI.

**CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN**

ORDER
12.11.2024

%

1. The petitioner has filed this writ petition for the following relief:

"I. Issue a writ Of madamus or anoy other appropriate writ or direction directing the respondent MCD to mark the area till which it wants the structures to be removed adjoining the petitioners Masjid i.e Masjid Masjid Madarsa Dargah Islamiya, Mangolpuri, New Delhi and further grant reasonable time to the petitioner to remove the said structures and further direct the MCD to inspect and satisfy itself with removal of the illegal encroachments if any and further certify the same.

II. Pass such other and further Order(s) as this Hon'ble Court may deem fit and proper on the facts and circumstances of the case."



2. The grievance in the writ petition is based upon contentions of the Municipal Corporation of Delhi recorded in an order dated 08.11.2024 passed by a coordinate Bench in W.P.(C) 4867/2024. The writ petitioner herein is admittedly a party to the said writ petition, which concerns the subject matter of the present petition also. The order dated 08.11.2024 is not mentioned in the list of dates but is mentioned in the body of the writ petition. Copy of the order has not been annexed to the writ petition.

3. In these circumstances, when the same issue is already pending consideration in another writ petition before a coordinate Bench, the filing of this writ petition appears to be an abuse of the process of the Court.

4. Learned counsel for the petitioner seeks permission to withdraw this writ petition, with liberty to take alternative remedies as available in law, if any.

5. The writ petition is dismissed as withdrawn with liberty as aforesaid.

PRATEEK JALAN, J

NOVEMBER 12, 2024/MR/