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

+ W.P.(C) 16153/2024

SHRI SAMEER SETH

.....Petitioner

Through: Mr.Vinay Kumar Mishra,
Mr.Manoj, Mr.Anand Nagar and
Ms.Sabi Gupta, Advocates

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr.Ayush Gupta, Advocate for R-
2 and R-3

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.11.2024

CM APPL.67883/2024

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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1. Learned counsel for respondent Nos. 2 and 3 submits that the said respondents have instituted an eviction petition against the petitioner, in respect of the premises in question, which has been allowed by the learned Trial Court on 19.04.2024. A copy of the judgment has been handed over in Court and is placed on record. Learned counsel submits that the writ petitioner has suppressed this fact, from the writ petition. Although a reference is made to the eviction petition in paragraph 2 of the writ petition, the fact that the petition has been allowed has not been mentioned.

2. Learned counsel for the petitioner submits that a revision petition

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against the said judgment is pending in this Court (RC Rev. No. 226/2024 and 227/2024 titled *Sameer Seth v. Vinita Jain*), however, he accepts that the order has not been stayed.

3. In these circumstances, at this stage, learned counsel for the petitioner seeks leave to withdraw this petition without prejudice to the rights and contentions of the parties in the eviction proceedings. The petition is thus dismissed as withdrawn, subject to the above observations.

4. It may be mentioned that the learned counsel for the MCD has stated upon advance instructions that MCD proposes to take further action consequent upon a demolition order dated 28.02.2019, in respect of the property in question, to the extent upheld by the Appellate Tribunal (MCD) vide a judgment dated 12.12.2023. Such action will be taken after the Graded Response Action Plan-IV, restrictions on construction and demolition of building in the city are lifted. It is made clear that withdrawal of this petition will not come in the way of MCD taking action available to it in law or any remedy that the private respondents may pursue.

5. The writ petition is dismissed as withdrawn. The application also stands disposed of.

PRATEEK JALAN, J

NOVEMBER 21, 2024

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