



\$~88

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9839/2018 & CM Appl.38318/2018**

MR. DAYANAND AND ORS.Petitioners

Through: Mr. Basant Kr. Singh, Adv.

versus

GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Rishikesh Kumar, ASC with Ms. Sheenu Priya, Mr. Vikas Saini, Mr. Atik Gill, Mr. Sudhir Kumar Shukla and Mr. Sudhir, Adv. for GNCTD. Mr. Chiranjiv Kumar and Dr. Dharam Deshna, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

18.12.2024

%

1. The prayers in the present Petition reads as follows:

“a) Pass an appropriate Writ or Order or direction thereby the order of SDM Alipur Delhi to take possession of the Khasra No. 1309 (4-16) village Kadipur part of the unauthorized Colony namely Swarup Vihar, Kadipur Nathu Colony Delhi-110036 the be quashed;

b) Pass an order thereby the Respondents may be restrained from taking possession of the house of the Petitioner which falls in Khasra No. 1309 (4-16) village Kadipur.”

2. Learned Counsel for the Respondent No.1 submits that prayer (a) in the present Petition cannot be granted since the subject land stands vested in the Gram Sabha. He further submits that since prayer (b) relies on prayer (a), this cannot be adjudicated by this Court since the Petitioners have falsely claimed ownership of the subject land.

3. Learned Counsel for the Petitioners submits that the Petitioners are the owner of the subject land.

4. Quite clearly, disputed questions of fact are involved in the present



Petition.

5. After some arguments, learned Counsel for the Petitioners requests for permission of the Court to withdraw the present Petition with liberty to file appropriate proceedings in accordance with law before a Civil Court.
6. Liberty as sought for is so granted, *albeit* in accordance with law.
7. Accordingly, the Petition and pending Application stand dismissed as withdrawn.
8. Interim protection granted to the Petitioners by this Court on 18.09.2018 shall however continue for a period of eight weeks from today.
9. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

DECEMBER 18, 2024/r

Click here to check corrigendum, if any