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

+ LPA 1155/2024 & CM APPL. 68721/2024

DELHI RIDING CLUB

.....Appellant

Through: Mr. Nipun Katyal, Ms. Chetna Bhargava, Mr. Atul Vema, Mr. Garvit Gupta, Mr. Kshitij Raj, Mr. Vikash Kumar and Mr. Naveen Bhandari, Advocates

versus

LAND AND DEVELOPMENT OFFICE AND ORS.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with Ms. Chanda Prajapati, Advocate for R-1/UEI
Mr. Sanjay Sharma, SC with Mr. Anand Kumar Sharma, Advocate for R-2 and 3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

27.01.2025

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1. Heard the learned counsel for the parties.
2. Learned counsel for the appellant/petitioner, when confronted with the query as to how the prayer made in the writ petition could be granted in a proceeding under Article 226 of the Constitution of India for the reason that the said prayer involves determination of various issues touching upon the facts, learned counsel for the appellant/petitioner states that the appellant/petitioner may be permitted to withdraw this appeal with the



further liberty to institute a suit for redressal of the grievances.

3. Accordingly, the instant appeal is dismissed as withdrawn with the liberty to the appellant/petitioner to institute an appropriate suit with appropriate prayers before a court of competent civil jurisdiction along with application seeking interim injunction and any other application.

4. We provide that once any such suit along with an application seeking interim injunction is instituted, the Court concerned shall take up the matter with expedition. We further direct that the interim order granted by this Court *vide* order dated 03.12.2024 whereby the respondents herein were restrained from taking further coercive steps including by way of demolition, shall operate for a period of 03 weeks from today.

5. However, we make it clear that none of the observations made in this order including the observations made in the order dated 03.12.2024 passed by this Court shall have any bearing whatsoever on the merits of the claim which may be put forth by the respective parties in the civil suit if it is instituted and the application seeking interim injunction which shall be decided on their own merits.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JANUARY 27, 2025/j