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

+ **CM(M) 412/2026 & CM APPL. 11962/2026**

RADHEY LAL

.....Petitioner

Through: Mr. Arvind Kumar, Mr. Ankit Kr. Vats
and Mr. Vivek Kumar, Advocates.

versus

DELHI WAKF BOARD & ORS.

.....Respondents

Through: Mr. Tushar Sannu, Standing Counsel
for Delhi Wakf Board with Mr. Pravin
Bansal and Mr. Akhilesh, Advocates
for R-1.
Mr. Aly Mirza, Advocate for R-2 and
R-3.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **19.03.2026**

1. This hearing has been conducted through hybrid mode.
2. This is a petition filed on behalf of the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 01st August, 2025 passed by the learned Trial Court in Execution Petition No. 458/2025, seeking following reliefs:

“a) Allow the Petition and aside order dated 01.08.2025 passed by the Ld. ARC-02 (Central), Tis Hazari Courts, Delhi in Execution Petition No 458 OF 2025;

b) Declare that eviction proceedings under the Delhi Rent Control Act in respect of the subject Waqf property are without jurisdiction and non-est in law;”



3. Learned Counsel for the respondent Nos. 1, 2 and 3 appeared on advance notice and accepts notice.

4. During the course of arguments, it has become evident that an appeal is maintainable against the impugned order as the objections of the petitioner has been dismissed by the Execution Court. In view thereof, learned Counsel for the petitioner seeks leave to withdraw the present petition with liberty to avail the appropriate remedy by way of an appeal.

5. Accordingly, the present petition is disposed of as withdrawn with liberty as prayed for, in accordance with law. Pending application (s), if any, also stands disposed of. All rights and contentions of the parties are left open.

RAJNEESH KUMAR GUPTA, J

MARCH 19, 2026/nd/tp