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SLP(C)No. 8096 OF 2001

ITEM No.52

Court No. 2

SECTION XIV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.8096/2001

(From the judgement and order dated 24/01/2001 in CWP 94/01
of The HIGH COURT OF DELHI AT N. DELHI)

GOVT. OF N.C.T. OF DELHI & ANR.

Petitioner (s)

VERSUS

B.L. SAINI

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for exemption from filing c/c of the impugned Judgment)

Date : 03/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. D.N. Goburdhan, Adv.
Ms. Geeta Luthra, Adv.
Ms. Pinky Anand, Adv.

For Respondent (s) Mr. Rajiv Dutta, Sr. Adv.
Mr. Kapil Sharma, Adv.
Mr. R. Nedumaran, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J

.SP2

Leave granted.
The appeal is allowed.

.SP1

Kalyani. (S.L. GOYAL)@@
AA
COURT MASTER @@
A AAA

(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
EE
(Arising out of S.L.P.(C) No. 8096 of 2001)

Govt. of N.C.T. of Delhi & Anr. Appellants

Versus

B.L. Saini Respondent

O R D E R@@
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Leave granted.

After hearing the counsel for the parties, we are of the view that the High Court ought not to have entertained this writ petition, especially when the matter pertaining to the closure of the polluting units in non-conforming areas is pending in this Court. Mr. Rajiv Dutta, learned senior counsel appearing for the respondent (writ petitioner) states that he will withdraw the writ petition which is pending in the High Court. While allowing this appeal and setting aside the impugned order of the High Court, we also allow the respondent to move an application before the High Court for withdrawal of the writ petition. After the withdrawal of the same, the respondent will be at liberty to take such other legal steps as may be open to him in law.

.SP1
.....J
(B.N. KIRPAL)

.....J
(ASHOK BHAN)

New Delhi,
September 3, 2001.