



2025:DHC:8821



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

% ***Date of Decision: 26.09.2025***

+ C.R.P. 273/2025 & CM APPL. 62202-62204/2025

NEERAJ KUMAR CHOPRA

.....Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Anmol Chora, Ms. Deepali Pawan, Mr. Kanav Gupta, Mr. Rajat Pandey, Advs. with Petitioner in person.

versus

PVR LIMITED & ANR.

.....Respondents

Through: Mr. Sanjay Poddar, Sr. Adv. with Ms. Aakansha Kaul, Mr. Shivam Goel, Mr. Govind Kumar, Ms. Ramya S. Goel, Ms. Sanya Sharma, Ms. Parul Garg, Advs. for R-1.  
Mr. Gaganmeet Singh Sachdeva, SC with Mr. Harshpreet Singh Chadha, Adv. for MCD.

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+ C.R.P. 274/2025 & CM APPL. 62208-62210/2025

NEERAJ KUMAR CHOPRA

.....Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Anmol Chora, Ms. Deepali Pawan, Mr. Kanav Gupta, Mr. Rajat Pandey, Advs. with Petitioner in person.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Mr. Gaganmeet Singh Sachdeva, SC with Mr. Harshpreet Singh Chadha, Adv. for MCD.  
Mr. Sanjay Poddar, Sr. Adv. with Ms. Aakansha Kaul, Mr. Shivam Goel,



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Mr. Govind Kumar, Ms. Ramya S. Goel, Ms. Sanya Sharma, Ms. Parul Garg, Advs. for R-2.

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**TARA VITASTA GANJU, J.: (Oral)**

**CM APPL. 62203/2025 [exemption] in C.R.P. 273/2025**

**CM APPL. 62209/2025 [exemption] in C.R.P. 274/2025**

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

**CM APPL. 62204/2025 [lengthy synopsis] in C.R.P. 273/2025**

**CM APPL. 62210/2025 [lengthy synopsis] in C.R.P. 274/2025**

3. The present Applications are filed on behalf of the Petitioners seeking exemption to file lengthy synopsis, list of dates and events.
4. Allowed, subject to the Petitioner filing lengthy synopsis, list of dates and events within a period of three weeks.
5. The Applications stand disposed of.

**C.R.P. 273/2025 and CM APPL. 62202/2025**

**C.R.P. 274/2025 and CM APPL. 62208/2025**

6. The present Petitions have been filed by the Petitioner under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'] seeking to challenge an order dated 19.09.2025 passed by the learned Trial Court [hereinafter referred to as 'the Impugned Order']. By the Impugned Order, an Application under Order XXIII Rule 3A CPC along with an Application under Order I Rule 10 CPC filed by the Respondent/PVR and



another Application filed on behalf of Respondent/MCD was allowed.

7. Issue Notice.

8. The learned Counsel for the Respondents accepts Notice.

9. Accordingly, and with the consent of the parties, the matter is taken up for hearing and final disposal today.

10. Briefly the facts of the present case are that a suit for mandatory injunction was filed by the Petitioner/Plaintiff before learned Trial Court in respect of a squatting site no.11806, area of squatting site 6 x 4, Ward No.165 situated at PVR Complex near Police Booth, Basant Lok, New Delhi [hereinafter referred to as the “Squatting site”]. It was the case of the Plaintiff that he had been allotted the Tehbazari site under the Gainda Ram Policy of the Government in terms of an allotment letter dated 23.08.2002. The suit prayed for a mandatory injunction against the Defendants restraining them from interfering with his business at the Squatting site.

11. Being aggrieved by the partial allowance of an Application under Order XXXIX Rules 1 and 2 CPC, the Petitioner/Plaintiff filed an Appeal before the Appellate Court being **Neeraj Kumar Chopra v. SDMC**. During the proceedings before the Appellate Court, an amicable settlement was arrived at between the Petitioner/Plaintiff and the Respondent/MCD based on a status report, was offered a new **Tehbazari** site.

11.1 The Appeal was disposed of by order dated 24.08.2022 in terms of the compromise [hereinafter referred to as the “Compromise Order”]. This led to the filing of two applications, referred to above seeking to recall the order dated 24.08.2022, which have been decided by the Impugned Order.



12. The learned Counsel for the Petitioner submits that the Petitioner was granted Tehbazari rights in the year 2002. The Appellate Court, however, on an Application by the Respondents has passed the Impugned Order interfering with those rights. The learned Counsel further submits that the Court had exceeded its jurisdiction in this behalf and thus the present Petition has been filed.

13. The learned Senior Counsel appearing for the Respondent/PVR as well as the learned Counsel appearing for the Respondent/MCD, on the other hand, submits that the compromise that was entered into by an official of the Respondent/MCD could not have been entered into since it was not in accordance with the Policy/Lay-Out Plan of the Community Centre, Basant Lok, issued by DDA on 07.09.2020. It is further submitted that the issue of allocation of Tehbazari rights was raised before the Division Bench of this Court in W.P.(C) No. 10774/2020 captioned ***Mahinder Kumar Kapur v. State of NCT of Delhi Through: Its Secretary & Ors.*** By an order dated 10.12.2021, the Petition was disposed with directions to the Respondents to ensure that the market area of Basant Lok, Vasant Vihar, New Delhi is kept encroachment free. Certain additional directions were also passed by the Division Bench.

13.1 The learned Senior Counsel further submits that the purpose of the Petition was to supervise the allocation of Tehbazari site in accordance with the “Lay-Out Plan” as approved/filed by the DDA before the Court. It is further stated that since the compromise could not be entered into in contravention with the policy as has been approved by the Division Bench of this Court, these Applications were filed. In addition, the learned Senior



Counsel submits that no settlement of this nature could have been entered by the Respondent /MCD.

14. The learned Counsel for the Respondent/MCD submits that during the hearing before the Principal District & Sessions Judge, New Delhi District, Patiala House Courts on 01.08.2025, the MCD had made a contention that they want to allot alternate space to the Respondent and thereafter filed a status report showing the allocation for two sites identified at the Basant Lok Shopping Complex, Vasant Vihar, New Delhi for the Petitioner.

14.1 The copies of the order dated 01.08.2025 passed by **the Trial Court** and status report have been handed over to the Court. Registry is directed to scan and upload these documents so that they remain embedded in the case file.

15. The learned Counsel for the Petitioner in Rejoinder that the Petitioner has been left remediless. While setting aside the Compromise Order, the MCD has been directed to allocate the Petitioner a Tehbazari site in accordance with the approved Lay-Out Plan, without giving the Petitioner an opportunity of being heard.

16. The record reflects that originally a suit captioned ***Neeraj Kumar Chopra v. South Delhi Municipal Corporation*** was filed by the Petitioner before the Senior Civil Judge, New Delhi District, Patiala House Courts [hereinafter referred to as “Civil Suit”] claiming an injunction against the Respondent/MCD from interfering with his Tehbazari rights. The relevant extract of the plaint including its prayers are set out below:-

**“1. That the plaintiff was carrying on his business at squatting site No. 11806, size of the squatting area 6x4, Ward No. 165, situated at PVR Complex near Police Booth, Basant Lok, New Delhi, since 14.09.2010.**



**The said site is hereinafter called the suit property.**

2. That earlier the said tehbazari site was allotted to, one Shri Kailash Baijla, **under Gaiinda Ram Policy vide allotment letter No.574/AC/SZ/200 dated 23.8.2002.**

3. That the plaintiff applied for mutation of said site in his name vide application, which was allowed by the competent authority of the defendant on 9.9.2010. **The defendant issued a letter No.- 1139/A0/52/2010 dated 14.09.2010 thereby mutating the said site in the name of the plaintiff. That the copy of the letter** is the copy annexed herewith as Annexure A. That of the photographs of the suit property are annexed herewith as Annexure B.

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9. That the plaintiff has no other source of Income and **the said tehbazari site is the only source of income.** The acts and deeds of source of his the officials of the defendant arbitrary, unjustified. and unwarranted. HENCE, THIS SUIT.

10. That the cause of action for filing the present suit arose in favour of the plaintiff and against the defendant when the defendant shifted the plaintiff and other squatters from the site allotted to them to the other place at the hack side of the market with the promise to hand over back the original site to the plaintiff after renovation Area of the said areas. The cause of action also arose when the defendant allowed other squatters to start their respective works after making the **said area** beautiful. The cause of action also arose on 7.10.2020 when the plaintiff visited the office of the defendant and when the defendant demanded huge bribe to allow the plaintiff to carry his business from the allotted site in and further extended threats to allow someone else to tun his/her business from the allotted site if the plaintiff does not fulfil their demands The cause of action is still subsisting and continuing one.

#### **PRAYER**

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

a. Pass a decree for Mandatory Injunction in favour of the Plaintiff and against the **defendant thereby directing the defendant to allow the Plaintiff to carry on his business at squatting site No. 11806, Area of Squatting site 6' X 4', Ward No. 165 situated at PVR Complex near Police Booth, Basant Lok, New Delhi, in the interest of justice;**

b. Award costs of the suit in favour of the plaintiff and against the defendant;”

[Emphasis Supplied]



16.1 The order dated 24.08.2022, thereafter, disposed of the Civil Suit in view of a settlement between the parties in the following terms: -

**“24.08.2022**

*Present: Appellant in person with Sh. Chetan Bhardwaj, Advocate.*

*Sh. Tikam Singh, Licensing Officer from MCD is present with Sh. Kaushal Jeet Kait, Advocate.*

**The appellant is being offered an alternate site, which has since been inspected by him and the parties, therefore, reach an amicable settlement. Let statements of parties be recorded.**

(Dharmesh Sharma)  
Principal District & Sessions Judge  
New Delhi/PHC/24.08.2022

**Statement of Sh. Tikam Singh, Licensing Officer, SDMC (now MCD)**

*On S.A.*

*I have already filed status report dated 05.08.2022 on the judicial record and the **appellant is being offered a new site bearing Tehbazari No. 11806 as shown in the encircled portion ‘Y’ in the site plan, which is Ex.C-1.** As per the status report filed by me, **the representation of the appellant for allotment of an alternate site has been approved by the Deputy Commissioner, South Zone, MCD,** which status report is on the record and is now Ex.C-2 bearing my signatures at point ‘X’.*

(Dharmesh Sharma)  
Principal District & Sessions Judge  
Contd/...

*In view of statement made by the Competent Officer from the MCD, let statement of the appellant be also recorded.*

(Dharmesh Sharma)  
Principal District & Sessions Judge  
New Delhi/PHC/24.08.2022

*Statement of appellant – Sh. Neeraj Kumar Chopra S/o Sh. A.K. Chopra, aged 47 Years R/o Flat No.32, Vasant Enclave, Vasant Vihar-I, New Delhi.*

*On S.A.*

*I have seen the status report Ex.C2 as well as the site plan Ex.C1. I have inspected the site **and I am agreeable to the allotment of tehbazari site bearing No. 11806 as shown in the encircled portion ‘Y’ in the site plan Ex.C-1. I undertake to remove my entire merchandise / belongings from***



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***the disputed site, which is also bearing Tehbazari No. 11806 and located far away from the new site and shall vacate the entire portion in favour of the MCD within 15 days from today.***

RO&AC

(Dharmesh Sharma)  
Principal District & Sessions Judge  
New Delhi/PHC/24.08.2022

**ORDER:**

*In view of the aforesaid statements made by the parties, the present appeal **is disposed off as compromised. The appellant shall be duty bound to vacate the disputed site within 15 days from today and shall hand over its possession to the MCD** whereas the MCD shall also be duty bound to allot and allow the appellant to run his business from the site bearing Tehbazari No. 11806 as shown in red in the portion encircled 'Y' in the site plan Ex.C-1 w.e.f. 12.09.2022.*

*The appeal stands disposed off accordingly.*

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xxx”

[Emphasis Supplied]

17. As stated above, two Applications have been filed by the Respondent/PVR and Respondent/MCD under Order XXIII Rule 3A of the CPC both seeking to recall the compromise. The learned Trial Court after examining the issue involved, allowed both Applications. The premise of the Impugned Order was that the settlement had violated the layout plan and the site allocated was not as per the layout plan and Scheme in force of Tehbazari rights. In this regard, it is apposite to extract para 22 of the Impugned Order below:-

*“22. In the present proceedings, **said settlement has been questioned on the ground that it violated the layout plan and the site allocated to the plaintiff** was not as per the scheme. The letter dated 07.09.2020 is referred to which reads as follows:-*

*No. F36(52)AE(P)/SMD.2/DDA/2021/632 Dated: 7/9/20*

*To*

*The Deputy Commissioner*

*SDMC*

*Green Park*

*Aurbindo Marg*



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New Delhi-110016

Subject: Relocation of Squatters/Vendors at Basant Lok  
Ref: Upgradation of Common Areas at Basant Lok

Sir.

The Upgradation of Common areas in Basant Lok is under progress. **In view of the same SDMC had relocated the squatters/vendors from Piazza B (opp. PVR) on 26.02.2019** (Photo enclosed marked as A) according to drawing submitted by market association. Recently it has been noticed that **the vendors have placed themselves back at Piazza B spoiling the look, design aesthetics of the complex and fire tender movement** (Photo enclosed marked as B). We are enclosing the drawing showing the final location of vendors (in green box). The present location is contrary to the redevelopment plan and the vendors are sitting at unapproved locations.

We would also like to bring to your notice of 3 vendors (a key maker, a book stall and a Paan stall) near Medonalds have encroached ramp constructed for accessibility of specially abled person.

You are requested to relocate the vendors permanently from Piazza B immediately and place them according to enclosed drawing (No-SANCTION/DWG/001) and also relocate the vendors sitting near Medonalds outside the market complex. You are requested to finalise the number of vendors inside Basant lok and ensure the size 6X4 keeping in mind the bye laws and aesthetics of the upgraded complex.

Encl.: Copy of relocation drawing at Piazza.  
: Photographs

EXECUTIVE ENGINEER  
SMD-2/DDA, VASANT KUNJ

Copy to: -

1. CE(SZ)DDA for kind information.
2. SE/SCC-1/DDA for kind information.
3. AE-II, SMD-2/DDA for kind information.
4. BUMC, Vasant Vihar for information

EXECUTIVE ENGINEER  
SMD-2/DDA, VASANT KUNJ"

18. The learned Trial Court after examining the communication, gave a finding that the issue of allocation was also raised before the Division Bench in a Writ Petition filed before this Court in W.P.(C) 10774/2020 and there were certain directions passed in that petition as well. The learned Trial



Court, thus, found that the orders passed by the High Court was not brought to the notice of the Appellate Court and which led to the compromise being recorded which is not strictly in accordance with law. Thus, the settlement arrived at was set aside in the following terms:-

“23. It is also not in dispute that the issue of allocation of teh-bazari site was raised by way of writ petition before High Court of Delhi (W. P (C) No. 10774/2020) and the same was disposed of vide order dated 10.12.2021 (as reproduced herein above para 6 & 7 with directions to remove all encroachments).

24. On the strength of settlement dated 24.08.2022, the new teh-bazari site was allocated to Neeraj Kumar Chopra and on the basis of same, he shifted to that place bearing no. 11806. It is not disputed that same is not according to the original layout plan / drawing plan as enclosed with letter dated 07.09.2020. The very purpose of writ petition was to supervise that the allocation of teh-bazari sites is done in accordance with layout plan and no teh-bazari holder is permitted to encroach any other part of redeveloped site.

25. MCD officers have now admitted by way of present application that the proceedings and the order passed by High Court could not be brought to the notice of this court, when the settlement was arrived at and new teh-bazari site no.11806 was allocated to Neeraj Kumar Chopra and the same resulted in violating the layout plan as well as the orders of High Court.

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xxx

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30. The second question raised on behalf of respondent no.1 Neeraj Kumar Chopra is that the settlement cannot be set aside as the agreement was neither void nor voidable and new teh-bazari site was allocated after inspection by the committee and after ascertaining its suitability. On this aspect, I am of the opinion that public interest has to prevail upon individual interest. No teh-bazari holder can be allowed to hold or occupy teh-bazari site which is not in accordance with the approved layout plan. No preferential treatment can be given to respondent Neeraj Kumar Chopra only for the reason that he approached the court by way of civil suit and miscellaneous civil appeal. The approved site plan has got designated / earmarked places for teh- bazari holders and it is not disputed that the site allocated to Neeraj Kumar Chopra has not been in accordance with the said layout plan. The arrangement arrived at between MCD officials and Neeraj Kumar Chopra not only violated the approved site plan but also violated the orders of High Court of Delhi whereby it has been ordered that the area has to be kept encroachment free.

31. In view of aforesaid circumstances, I am of the opinion that settlement arrived at before this court during the proceedings of MCA No. 14/2021 is not sustainable and same has to be set aside.”

[Emphasis Supplied]ss



19. However, while setting aside the order dated 24.08.2022, the learned Appellate Court, also directed allocation of a Tehbazari site at a designated place in accordance with approved layout plan in the following terms: -

**“32. Accordingly, order dated 24.08.2022 is set aside and MCD is directed to allocate teh-bazari site at designated place in accordance with approved layout plan to Neeraj Kumar Chopra and respondent Neeraj Kumar Chopra is directed to make compliance and to shift his teh-bazari site to the new site so allocated by the MCD.”**

[Emphasis Supplied]

20. As stated above, the Petitioner has contended that the Petitioner will be left without a remedy if the Impugned Order is interdicted. While the Respondents state that the Impugned Order does not suffer from any infirmity.

21. Concededly, the issue raised by the Petitioner would require examination by the appropriate Court.

22. After some arguments, the learned Counsels for the parties agree that the appropriate forum for settlement of Tehbazari rights was not the Civil Court but a Division Bench of this Court.

23. The learned Counsel for the Petitioner, on instructions, submits that he may be permitted to withdraw these petitions to file the appropriate proceedings before the Division Bench of this Court.

23.1 The learned Counsel for the Petitioner, on instructions from his client, further submits that he will only pursue this remedy and the Civil Proceedings will no longer be pursued by him. The statement of the learned Counsel for the Petitioner is taken on record. The Petitioner is bound down by the statement made by his Counsel.



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24. These Petitions are, accordingly, dismissed as withdrawn. All pending Applications stand closed. Liberty is granted to the Petitioner to approach the Division Bench *qua* the inter-se disputes between the Petitioner and the MCD with regard to the Tehbazari rights albeit in accordance with law.

25. It is clarified that the Court has not expressed any opinion on the merits of the controversy. The rights and contentions of all parties are left open to be agitated before the appropriate forum.

25.1 The parties shall maintain *status quo* in the matter for a period of five weeks from today.

26. The petitions are disposed of in the foregoing terms.

27. The parties shall act based on the digitally signed copy of the order.

**TARA VITASTA GANJU, J**

**SEPTEMBER 26, 2025**  
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