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

+ W.P.(C) 15264/2025, CM APPL. 62550/2025-Stay, CM APPL. 62551/2025-Exp.

MALKIT SINGH

.....Petitioner

Through: Mr. Shekhar Nanavati and Mr. Abhilash, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Rohan Jaitley(CGSC), Mr. Dev Pratap Shashi, Mr. Varun Pratap Singh, Ms. Yogya Bhatia and Mr. Dhirender Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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06.10.2025

1. By virtue of the present petition, the petitioner seeks the following reliefs:-

“(a) Issue a Writ of Mandamus thereby setting aside impugned Order/ notice dated 15.09.2025 passed by the respondent no.2, i.e. Ld. Estate Officer, under Section 5A of the Public Premises Eviction Act, 1971 in an arbitrary, illegal, ultra-vires and impromptu manner;

(b) Issue appropriate Writ directing the respondent no.2 to issue fresh show cause notice under section 5 A PPE Act, 1971 and to provide opportunity of being heard/ proper hearing in terms of well established principle of natural justice without any premeditated mind set, in the interest of justice and fair play;



(c) Issue an appropriate Writ thereby restraining the respondent no.1-department from taking any detrimental action against the petitioner till the proper/ personal hearing is provided to the petitioner and an order is passed by the respondent no.2 thereafter, in the interest of justice and fairplay.”

2. As per petitioner the respondent no.2 had issued a notice dated 09.08.2024 under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (**PP Act**), whereby the petitioner was asked to show cause why an order of eviction should not be made against him. In response thereto, the petitioner had filed a reply and which, according to the petitioner, has been duly received by the respondents.

3. It is the case of the petitioner that, though, as per the said notice dated 09.08.2024, as also in terms of Section 4 of the PP Act, the petitioner was called upon for personal hearing on 23.08.2025 before the learned Estate Officer/ respondent no.2, however, on the said date of hearing, the petitioner was not allowed to enter the office of respondent no.2. As such, as per learned counsel for petitioner, the petitioner was denied the mandatory personal hearing as well as the opportunity to produce evidence to substantiate his claim made in his reply to the said notice.

4. Learned counsel for the petitioner submits that based solely on the reply to the aforesaid Show Cause Notice, since the respondent no.2 has proceeded to pass the impugned order/ notice dated 15.09.2025, the same is *void ab initio*. He further submits that respondent no.2 vide the impugned notice dated 15.09.2025 had not only issued the show cause



notice but also proceeded to hold that “... ..in the event of your refusal or failure to comply with this notice within the period specified above, the said goods/ animal, cattle/ work, etc. shall be removed by the undersigned in the capacity of Estate Officer or any other officer authorized by the undersigned and the cost of such removal shall be recovered from you as arrears of land revenue.” Thus, according to the learned counsel for the petitioner, the petitioner does not have sufficient time to present his case before the learned Estate Officer.

5. Lastly, learned counsel for the petitioner, while handing over the copy of the order dated 26.09.2025 passed by this Court in W.P. (C) 15190/2025 titled ‘*Satish Kumar Ujjain Vs. Union of India & Anr*’, urges this Court for passing the similar order wherein this Court under similar facts and circumstances, after issuing notice, has already stayed the impugned order therein, till the next date of hearing.

6. Issue notice.

7. Learned counsel appearing for the respondents accepts notice. He, upon instructions, submits that without going into the merits of the matter as also without prejudice to the rights and contentions of the respondents, respondent no.2 shall issue a fresh Show Cause Notice to the petitioner within a period of *three weeks* in lieu of the aforesaid impugned order/ notice dated 15.09.2025.

8. In response thereto, learned counsel for the petitioner submits that, in such a situation he does not wish to press the present petition and seeks to withdraw the same, *albeit*, with liberty to initiate appropriate action(s) in accordance with law with respect to subsequent steps taken by the respondents.



9. At this stage, learned counsel for respondents, upon instructions, submits that respondent no.2 shall, without adverting to the merits involved, issue a fresh Show Cause Notice to all the 1140 occupants of the said premises.

10. Needless to say, the parties shall take all actions in accordance with law. Also, in view of the aforesaid situation the respondents are directed not to take/ initiate any adverse steps *qua* implementation and/ or enforcement of the said impugned order/ notice dated 15.09.2025 till the final outcome of the fresh order/ notice issued by the respondent no.2.

11. Accordingly, the present petition is disposed of with the aforesaid directions.

SAURABH BANERJEE, J.

OCTOBER 06, 2025/NA