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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4139/2026, CM APPL. 20162/2026 & CM APPL.
20163/2026

ASHA CHITKARA

.....Petitioner

Through: Mr. Uttam Dutt, Sr. Adv. with Ms.
Mahima Anand, Ms. Sonakshi Singh,
Mr. Kumar Bhaskar, Mr. Divesh and
Mr. Ishendra Kr. Singh, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI (MCD) & ANR.

.....Respondents

Through: Mr. Tushar Sannu, SC and Mr. Fajallu
Rehman, Advocates.
Mr. Sanjay Rai, ASO, L&E, MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **29.04.2026**

1. This hearing has been done through hybrid mode.
2. The present petition under Articles 226 and 227 of the Constitution of India, 1950 seeks the following prayers: -

“a) Issue a writ of Certiorari or any other appropriate writ, order, or direction thereby quashing and setting aside the Judgment dated 27.10.2025 passed by the learned Principal District & Sessions Judge (Central), Tis Hazari Courts, Delhi in PPA No. 30151/2016, whereby the eviction order dated 27.01.2016 passed by the Estate Officer in PPA Case No. 1336/2011 has been upheld;

b) Direct the Respondent No.I to restore possession of the premises bearing Hall No. 2, MCD Market, Saraswati Marg, Karol Bagh, New Delhi to the Petitioner forthwith;



c) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. Learned Senior Counsel appearing on behalf of the petitioner on instructions submits that the possession of the subject property has been taken over by the respondents. It is pointed out that for the purposes of determining the amount of damages the matter has been remanded back to the learned Estate Officer. It is further pointed out that in pursuance of the judgment dated 11.12.2018 in LPA 535/2016 and other connected matters, the learned Division Bench of this Court passed the following direction: -

“12. Having heard the learned counsel for the parties, we find no infirmity in the order of the learned Single Judge, which we have already reproduced which is well considered Judgment both on facts and in law. The submission made by Mr. Saini by placing reliance on the judgment of the Division Bench of this Court in the case of **Anuradha Sharma (supra)** and of this Court in the case of **Ashima Securities Pvt. Ltd. (supra)** were interlocutory orders. Initially the learned Single Judge has vacated the interim protection in favour of the plaintiff therein and in the appeals filed thereof, the protection was granted by the Division Bench. Suffice it to state, the Division Bench in its order dated October 08, 2010 has clearly stated that the view taken by it is only a prima facie view and has no bearing on the trial. If that be so, the said conclusion is not final. We have been told that the suit is still pending consideration before this Court. Be that as it may, as concluded above, the learned Single Judge was justified in its conclusion, as noted above, we do not see any reason to interfere with the impugned orders, except noting the submissions made by Mr. Saini and Mr. Datar that the case of the appellants be considered in terms of Circular dated July 22, 2013 and observing that if representations are made by the appellants, the Competent Authority shall consider the same in terms of the Rules, Policies and such other material as deem fit, without being influenced by the fact that the appellants were pursuing the remedy of appeal before this Court. We may clarify that it is for the Competent Authority to take a decision. The appeals are dismissed, except with the aforesaid observations.”



4. It is pointed out that the representation in terms of the aforesaid judgment is still pending decision by the respondent/ learned Estate Officer.
5. Learned Standing Counsel appearing on behalf of the respondents, on instructions from Mr. Sanjay Rai, ASO, L&E, MCD, submits that the said representation will be decided within a period of 4 weeks. Let the same be done.
6. In view of the same, learned Senior Counsel for the petitioner seeks leave to withdraw the present petition.
7. Leave granted.
8. The present petition is dismissed as withdrawn and disposed of.
9. Needless to state that the petitioner will always be at a liberty to challenge the outcome of the aforesaid representation in accordance with law.
10. Pending application(s), if any, also stand disposed of.
11. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

APRIL 29, 2026/kr/sg