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

+ **W.P.(C) 5005/2026**

**M/S CAPITAL OIL AGENCY THROUGH MR. VIJAY
CHAUDHRY**

.....Petitioner

Through: Mr. Ankit Jain, Sr. Advocate with Mr.
Karan Nagpal and Mr. Rajat
Chaudhary, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondent

Through: Mr.Rohan Jaitley CGSC, Mr.Akshay
Sharma Adv, Mr.Dev Pratap Shahi
Adv, Mr.Varun Pratap Singh Adv,
Mr.Yogya Bhatia Advocates for UOI.
Mr. Rahul Mourya (GP) for UOI.
Ms. Mala Narayan Adv. Ms.Shashwat
Goel, Ms. Anjali Dhingra, Mr.
Madhav Mathur, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **16.04.2026**

CM APPL. 24518/2026 (EXEMPTION)

1. Exemptions allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 5005/2026 and CM APPL. 24517/2026

3. Heard.
4. Issue notice.



5. Learned counsel for the respective respondents, as afore-noted, appear and accept notice.
6. The petitioner is a partnership firm operating a retail outlet of petrol pump under the name ‘*Capital Oil Agency*’ at Sarojni Nagar, New Delhi. The respondent. 1 is Land & Development Office (**hereinafter “L&DO”**) the agency responsible for land administration. The respondent no. 2 is National Budlings Construction Corporation (**hereinafter “NBCC”**) the agency implementing redevelopment of Sarojini Nagar. The respondent no. 3 is Indian Oil Corporation Ltd. (**hereinafter “IOCL”**) the lessor and principal of the petitioner.
7. The petition assails the notice dated 08.04.2026 issued by respondent no. 2 – NBCC and final notice dated 30.03.2026 issued by respondent no. 1- L&DO, whereby, the petitioner through respondent no. 3 – IOCL is directed to vacate their existing petrol pump at Sarojini Nagar within 7 days.
8. The facts of the case would indicate that the land in question over which the petrol pump is in operation was on lease from the respondent no. 1- L&DO. The lease stood expired and there is no extension of the said lease. The petitioner, thus, *prima facie* becomes the tenant of sufferance, and even without notice, the tenant of sufferance can be evicted.
9. However, the request is made by the Mr. Ankit Jain, learned senior counsel for the petitioner that the petitioner is ready for vacating the land in question provided that the alternate land which has already been allotted, be handed-over free from all encumbrances. It is then pointed out by the petitioner that the alternate land which has been allotted to the petitioner is under encroachment by the Public Works Department (**hereinafter “PWD”**).



10. The submissions made by Mr. Jain is strongly opposed by learned counsel who appears for the respondent no. 1-L&DO. Learned counsel has shown certain photographs and submits that the land is fully vacant and the possession thereof has already been handed over to respondent no.3 - IOCL and there is no impediment in installing the necessary tanks etc. for operation of the petrol pump.

11. The submissions of the L&DO is placed on record. The L&DO also submits that all further necessary assistance shall also be provided to the petitioner to ensure that on new alternate allotted site, the petitioner may set up the petrol pump without any undue delay.

12. The Court finds that the allotment of the alternate land is not the vested right of the petitioner. However, if the allotment has been made, it is the corresponding obligation of the respondent to ensure that the same be free from all encumbrances including encroachments etc.

13. Mr. Jain, learned counsel submits that the petitioner be granted time to end of August, 2026 to vacate the present land.

14. During the submissions, the Court was not inclined to extend the exercise of vacation of land beyond 31.05.2026. Mr. Jain, on instructions, then submits that at least the Court may consider to allow the petitioner to operate the petrol pump from the present site till the end of June, 2006.

15. Having considered the overall conspectus of the facts and situation, the Court finds that the instant writ petition can be disposed of with the following directions:

- (i) The petitioner is permitted to be in occupation over the subject land till the end of June, 2026. If for continuation of the petitioner beyond the permissible period requires any extra levy/ charges etc. the



respondent shall be at liberty to do the same.

- (ii) The L&DO shall make all possible endeavour to ensure that the alternate site is fully usable by the petitioner.
- (iii) In any case, for any reason whatsoever, there is any impediment for the petitioner in operating the petrol pump at the alternate site, the same shall not be an impediment for the respondent to get the present site evicted beyond June, 2026. It would mean that the petitioner shall have no right to continue the occupation or the possession of the present site beyond June, 2026.
- (iv) The respondent no.3 – IOCL/ petitioner will have to necessarily obtain all permissions from the statutory authorities, if the same are required in law. If the respondent no.3 – IOCL/ petitioner files such an application, let the same be dealt with due expeditiously.
- (v) Accordingly, with the aforesaid directions, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

APRIL 16, 2026

Aks/ss