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

+ **W.P.(C) 5721/2026, CM APPL. 28141/2026**

SIR SOBHA SINGH AND SONS PVT LTDPetitioner

Through: Mr. Sandeep Sethi, Sr. Advocate, Mr. Sudhir Nandrajog, Sr. Advocate with Mr. Shaunak Kashyap, Miss Mayanka Dhawan, Mr. Vikram Kalra, Ms. Ankita, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Akash Chatterjee, SPC, Ms. Shivani Sethi, Advocate.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **28.04.2026**

CM APPL. 28142/2026 (EXEMPTION)

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

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3. Learned counsel for the respondents submits that the possession with respect to the property in question is sought to be recovered pursuant to the directions passed by the Supreme Court in Civil Appeal No. 4686 of 2026 titled ***Union of India vs. Sir Sobha Singh and Sons Pvt. Ltd.***
4. The Court is of the *prima facie* opinion that by virtue of the



application of the provisions of the Delhi Rent Control Act, 1958 (**hereinafter ‘DRC Act’**), the possession of property in question was obtained by the petitioner. The applicability of the provisions of the DRC Act has been held to be inappropriate. The Supreme Court, thus, clarifies that in the instant case, the provisions of the DRC Act would have no application.

5. The petitioner seeks to enforce civil rights which are emanated from the lease in question i.e. 26.04.1945. The Court was of the *prima facie* opinion that for enforcement of such a right, the appropriate remedy would be to file a civil suit.

6. At this stage, Mr. Sandeep Sethi, learned senior counsel for the petitioner seeks liberty to withdraw the writ petition with respect to the property which was the subject matter of the eviction proceedings under the provisions of the DRC Act, and to file appropriate civil proceedings.

7. With that liberty, the writ petition *qua* the subject matter of the property to which the possession was taken pursuant to eviction order under the DRC Act, stands dismissed as withdrawn.

8. All rights and contentions are left open.

9. At this stage, Mr. Sethi points out that so far as the Flat No. 64 and Garage Nos. 27C, 71F and 74G of Sujan Singh Park are concerned, this part of the property was not the subject matter of the eviction proceedings under the DRC Act.

10. Mr. Sethi, therefore, submits that the property which was the subject matter of the eviction proceedings cannot be taken over by the respondents under the guise of the Supreme Court’s directions.

11. The submission made by Mr Sethi seems to be reasonable and is



aligned with the order dated 01.04.2022, where, this particular part of the property was not the subject matter of warrant of possession. What was the subject matter of warrant of possession, is extracted as under:

“Warrants of possession received back with report that possession qua flat no. G-82 and Flat no. A-10, E-60, 1st Floor and IInd Floor, J-II/82SF, J-II/79FF, J-III/63SF, J-III/64SF, J-III/70Sf, JIII/72TF and garage B-19, C-34, C-35, D-47, J-II/79-80, J-III/70/72, K-2, K-5 has been handed over to the DH.”

12. Since there is no justification as to why this part of the property is sought to be evicted from the petitioner without following due process of law, this part of the order stands set aside.

13. The respondents, however, are granted liberty to proceed in accordance with law, with respect to any part of the property which may not have been the subject matter of the DRC Act.

14. For that purpose, the rights and contentions of the parties are left open.

15. In view thereof, the petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

APRIL 28, 2026

Aks/ss