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

+ **W.P.(C) 8368/2025 & CM APPL. 36450/2025**

VIJAY KUMAR SHARMA AND ANOTHERPetitioners

Through: Mr. Rajat Aneja, Ms. Nika Tiwari &
Mr. Rishabh Mishra, Advocates.

versus

UNION OF INDIA AND OTHERSRespondents

Through: Mr. Anshuman, Mr. Kalyan Babu
Singh, Mr. Varun Talwar and Ms.
Sanya Arora, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **14.01.2026**

1. Various facts and circumstances have been pointed out to the Court during the course of hearing. The petition, however, is for the following relief:

“i. Issue an appropriate Writ, Order and/or Direction in the nature of CERTIORARI thereby quashing the Orders dated 11.04.2025 passed by the Respondent No.2, wherein Properties bearing Shop No. 6, falling in Municipal No. 2253; Flat No.35 and Flat No.36, both falling in Municipal Nod. 1859-1864, Wazir Singh Street, Raj Guru Road, Ward No. XV, Chuna Mandi, Paharganj, New Delhi were sealed and allegedly vested with the Respondent No.2 and/or;

ii. appropriate Writ, Order, Direction in the nature of MANDAMUS thereby directing the Respondents to de-seal Shop No.6, falling in Municipal Nos.2253; Flat No.35 and Flat No.36, both falling in Municipal No.1859-1864, Wazir Singh Street, Raj Guru Road, Ward No. XV, Chuna Mandi, Paharganj, New Delhi and/or;

iii. appropriate Writ, Order, Direction in the nature of PROHIBITION thereby prohibiting and restraining the respondents



to take any coercive

action whatsoever against any of the properties of the Petitioners, including Property bearing Shop No.6, falling in Municipal No.2253; Flat No.35 and

Flat No.36, both falling in Municipal Nos.1859- 1864, Wazir Singh Street, Raj Guru Road, Ward No. XV, Chuna Mandi, Paharganj, New Delhi without following due process of law and/or;

iv. appropriate Writ, Order, Direction thereby directing the Respondents to furnish all the documents/proceedings/orders/Notings which led to passing of the Orders dated 11.04.2025 with respect to alleged vesting of Property bearing Shop No.6, falling in Municipal No. 2253; Flat No.35 and Flat No.36, both falling in Municipal Nos.1859- 1864, Wazir Singh Street, Raj Guru Road, Ward No. XV, Chuna Mandi, Paharganj, New Delhi and/or;

v. appropriate Writ, Order, Direction thereby taking necessary action against the Respondent No.2 and its concerned officials for repeatedly passing orders qua the properties of the Petitioners arbitrarily, without following principles of natural justice and also in contempt and breach of Judgment dated 05.11.2024 passed by this Hon'ble Court in RFA No. 234/2019 and W.P.(C) No.6461/2018."

2. For the sake of clarity, the impugned order dated 11.04.2025 is extracted as under:

"GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS

**Office of the Custodian of Enemy Property for India
First Floor, East Wing, Shivaji Stadium, Connaught Place,
New Delhi -110001**

FILE NO. 08-00-68/68/36

THIS PROPERTY, BEARING NO. 2253, WARD NO. XV, WAZIR SINGH STREET, RAJGURU ROAD, CHUNA MANDI, PAHARGANJ, NEW DELHI-110055. IS ENEMY PROPERTY VESTED IN THE CUSTODIAN OF ENEMY PROPERTY FOR INDIA HAS BEEN SEALED ON AS IS WHERE IS BASIS, TODAY 11TH DAY OF APRIL, 2025 AT 06:15 P.M.

BY ORDER



IN PRESENCE OF :-

1. PATRICIA FIALHO, ASSISTANT CUSTODIAN OF ENEMY PROPERTY

2. VARUN TALWAR, SENIOR LEGAL CONSULTANT, O/O CEM, NEW DELHI

3. SANYA ARORA, LEGAL CONSULTANT, O/O CEPI, NEW DELHI

4. RAVINDRA SINGH, SUPERVISOR, O/O CEPI, NEW DELHI

TEL NO. : 011-23747067”

3. During the course of hearing, it transpires that *vide* judgment dated 05.11.2024 in RFA No.234/2019 and WP(C) 6461/2018, the Court has remitted the matter back to the Civil Court in CS No.19994/2016 with the observation that the same be decided on its own merit.

4. The Court, however, in the interregnum has stayed the notice dated 01.05.2018 issued by Custodian of Enemy Properties for India under Section 11 of the Enemy Property Acts, 1968 with respect to the suit property awaiting the disposal of the civil suit.

5. It is, thus, noted that the property bearing Municipal Nos.1862 – 1864 and 2248 – 2253, situated at Wazir Singh Street, Raj Guru Road, Ward No.XV, Chuna Mandi, Pharaganj, New Dehli, is the subject matter of the impugned action. The impugned action predicates on the anvil, as if, the authority is the custodian and the property is the enemy property. Since the aforesaid aspect is the subject matter of the adjudication in the pending civil suit, therefore, the unilateral opinion formed by the respondents by the impugned order would not sustain.

6. Accordingly, the impugned notice is set aside. The Court, however, grants liberty to the respondent authority to take appropriate action depending upon the outcome of the pending civil suit. With respect to the



prayer of maintaining the *status quo* and non-creation of third party right is concerned, the prayer can be made before the concerned Court where the civil suit is pending.

7. With the aforesaid observation, the instant petition stands disposed of. Pending application shall also stand disposed of.

PURUSHAINdra KUMAR KAURAV, J

JANUARY 14, 2026

tr/ap