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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 05th October, 2026**# **CNR No. DLHC010478532026**+ **W.P.(CRL) 3135/2026 & CRL.M.A. 31187/2026 & 31188/2026****DILIP KUMAR SHUKLA**

.....Petitioner

Through: Mr. Sanjay Bharadwaj with
Mr. Surendra and Ms. Kiran Verma,
Advocates.
(M): 9999104749
Email: vedlegal@gmail.com

versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar, Advocate for
the State.
(M): 9818163407
7840058325
Email:
asc.rbandhopadhyaya@gmail.com
SI Piyush, PS Roop Nagar.
(M): 8077318375

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed under Article 226 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking directions to the respondents for removal of the alleged illegal seal affixed on *Flat No. B-23, Ground Floor, Birla Building, Near Parbhat Community Center, Shakti Nagar, Delhi – 11007*, and restore the same to the



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petitioner.

2. There is a further prayer seeking issuance of directions to the respondent-police to ensure protection of life and liberty of the petitioner and his family members.

3. Issue notice.

4. Notice is accepted by learned Additional Standing Counsel (“ASC”) for respondent nos. 1 and 2.

5. Learned ASC, on instructions, submits that the petitioner is an occupant of the premises in question since he and his father were earlier the employees of the respondent no. 3, i.e., Texmaco Infrastructure & Holdings Ltd.

6. She further submits that a decree of possession has already been passed in favour of respondent no. 3, on account of which, a petition seeking execution was filed by respondent no. 3.

7. Learned ASC submits that during the said execution proceedings, warrant of possession *qua* the property in question, i.e., *B-28, Ground Floor, Shivaji Lines, Roshanara Building, Shakti Nagar, Delhi-110007*, was issued. Pursuant thereto, the police has already taken the possession of the property in question from the petitioner and handed over the possession to the actual owner.

8. *Per contra*, learned counsel appearing for the petitioners submits that the petitioner was in occupation of the flat bearing no. *B-23, Ground Floor, Birla Building, Near Parbhat Community Center, Shakti Nagar, Delhi – 11007* and not of *B-28, Ground Floor, Shivaji Lines, Roshanara Building, Shakti Nagar, Delhi-110007*.

9. However, learned ASC for the State clarifies that *Flat Nos. B-23 and*



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B-28 are internally interconnected after walls were removed therefrom. She, thus, submits that entry to B-23 is from B-28 itself and both the flats were being used by the petitioner.

10. At this stage, learned counsel appearing for the petitioner submits that his goods are still lying inside the property in question and that he should be allowed to take his goods therefrom.

11. Having heard learned counsels appearing for the parties, this Court notes that as per the documents on record, respondent no. 3, i.e., Texmaco Infrastructure & Holdings Ltd, is the sole, exclusive and legal owner of the Birla Building, which consists of several quarters for the employees of the erstwhile Birla Cotton Spinning & Weaving Mills, situated at *Birla Building, Near Prabhat Community Centre, Shakti Nagar, Delhi- 110007*.

12. The flats in occupation of the petitioner were initially allotted to his father and subsequently to the petitioner in the capacity of being employees of the said company. However, the petitioner and his father have ceased to be employees of the said company and do not work there any longer.

13. Accordingly, since the occupation of the petitioner was found to be illegal, wrongful and unauthorised and despite notice, the petitioner did not vacate the premises in question, the company filed a suit for possession, being *CS DJ 14127/2016*.

14. Subsequently, vide judgment/decreed dated 10th February, 2025, passed by District Judge, Tis Hazari Courts, Delhi, the possession of the premises in question has been granted to respondent no. 3 herein.

15. Subsequently, the respondent no. 3 filed an execution being *EX. 977/2025*, titled as *M/s Texmaco Infrastructure & Holdings Ltd. Versus Dilip Kumar Shukla*, in the Court of District Judge-06, Central, Tis Hazari



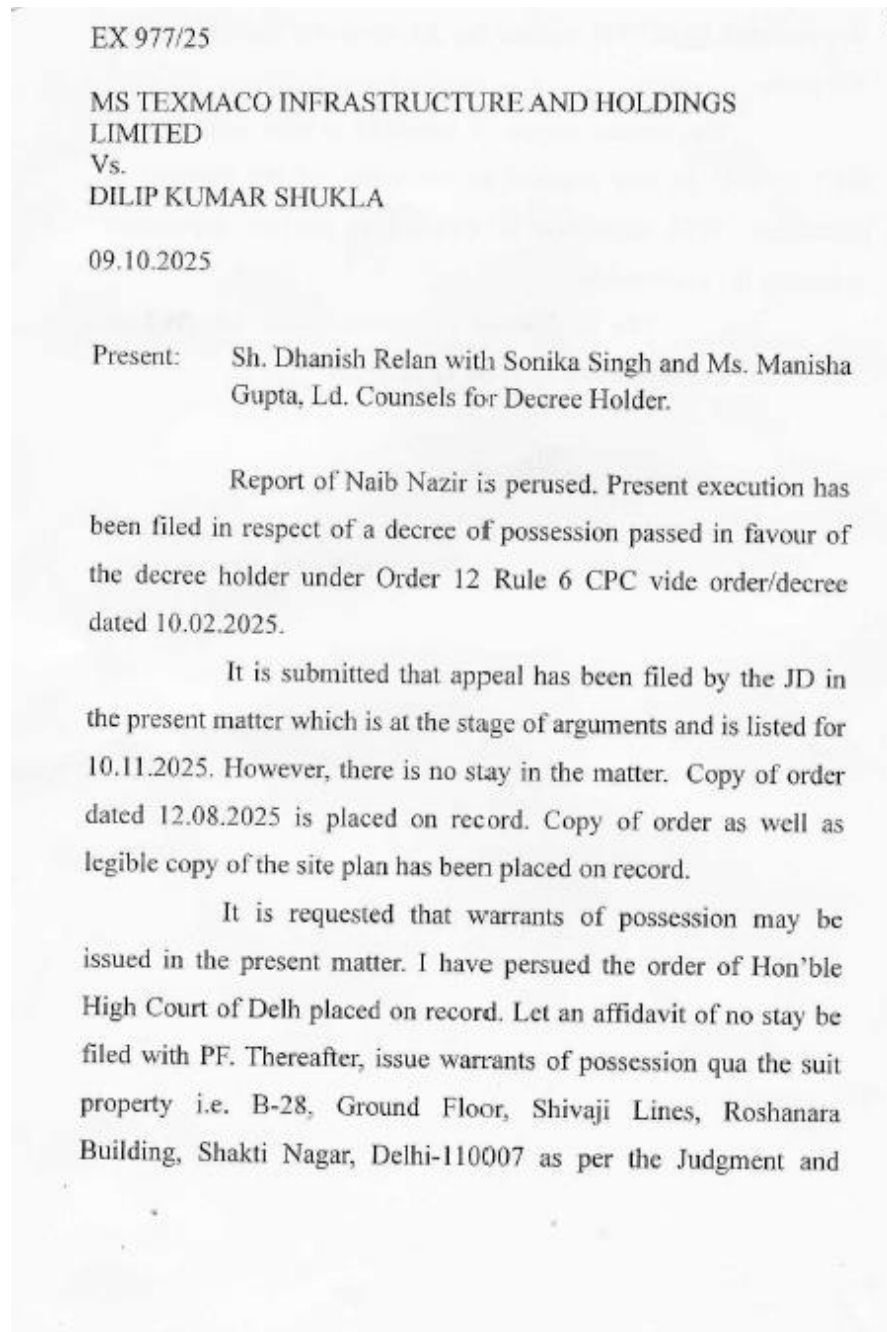
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Court.

16. *Vide* order 09th October, 2025, the said Court issued warrants of possession in the following manner:

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decree dated 10.02.2025 against the JD alongwith the copy of the site plan.

The process served is permitted to take assistance of SHO concern in case required for execution of the warrants of possession. SHO concerned is directed to provide appropriate assistance in case required.

DH is directed to appear before Ld. ACJ on 29.10.2025 and before this court on 12.12.2025.

(Shivali Sharma)
District Judge-06, Central, THC,
Delhi/09.10.2025

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17. Pursuant to the aforesaid warrants of possession, the possession of *Flat No. B-28* as well as the interconnected *Flat No. B-23* has already been taken over from the petitioner and handed over to the lawful owner.

18. This Court also notes that an appeal being *RFA 492/2025* filed by the petitioner herein is pending before this Court and is next listed for hearing on 18th March, 2027. Further, this Court is informed that there is no stay against the judgment/decree dated 10th February, 2025.

19. Accordingly, no merit is found in the present petition.

20. This Court notes that the possession has been duly taken over by respondent no. 3 through due process of law. Further, the possession of the petitioner was unlawful and unauthorised, since the said premises in question had been allotted only as an employee of respondent no. 3 and the



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petitioner has no right, title or interest over the property in question. Accordingly, no merit is found in the present petition.

21. However, considering the submissions made before this Court that some of the goods of the petitioner are still lying in the said premises, it is directed that the police shall accompany the petitioner tomorrow at 11:00 AM and open the premises in question. In case, any goods of the petitioner are lying inside the premises, the petitioner shall be allowed to remove the same. Thereafter, the police shall re-seal the premises in question.

22. This Court also takes note of the submission made by learned ASC for the State that, in case, any goods of the petitioner are found in the premises, they shall be duly handed over to the petitioner.

23. It is further directed that videography of the said proceeding be also be done at the time of entering of the premises with the petitioner.

24. With the aforesaid directions, the present petition along with the pending application is disposed of.

MINI PUSHKARNA, J

OCTOBER 5, 2026

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