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

% **Date of Decision: 22nd July 2026**

+ CONT.CAS(C) 1027/2022

ABHISHEK GUPTA

.....Petitioner

Through: Mr. Anupam Gupta, Advocate

versus

SHASHI KUMAR SHUKLA & ANR.

.....Respondents

Through: Mr. Shishir Pinaki, Advocate for R-1
(through VC)

Mr. Siddhartha Shankar Ray (CGSC)
along and Ms. Sonali Modi, Mr.
Mukul Dev, Advs. for R-2 with SI
Gajender Singh, PS Bindapur

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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present contempt has been filed alleging non-compliance of the orders dated 07th September, 2021, 05th August, 2021 and 31st May, 2021 passed by this Court in *RSA 55/2020*.
2. This Court notes that respondent no. 1 was a tenant on the third floor of the property in question, i.e., property bearing no. *RZ-1/2, South Extension Part-III, Uttam Nagar, Delhi*.
3. Pursuant to the judgment dated 07th September, 2021 passed in *RSA 55/2020*, there were directions to the respondent no.1 herein to handover the



peaceful possession of the second floor of the property in question.

4. Learned counsel appearing for respondent no. 1 submits that he has duly handed over the possession of the third floor of the property in question to the petitioner.

5. This Court notes the submission made by learned counsel appearing for the petitioner that the petitioner is also in contempt of the order dated 05th August, 2021. The order dated 05th August, 2021, reads as under:

“1. This hearing has been done through video conferencing.

2. Mr. Raghuvinder Verma, Id. APP has placed on record the status report in terms of order dated 27th July 2021, signed by the Deputy Commissioner of Police, Dwarka District, New Delhi. Mr Verma submits that appropriate action would be taken in accordance with law to secure the second floor of the property in question, in respect of which it is alleged that locks have been broken open. He assures the Court that FIR No. 695/2021 under section 448 of IPC which has been registered at PS Bindapur, Delhi on 3rd August, 2021 on the complaint of the Petitioner, shall be proceeded with in accordance with law.

3. Mr. Shukla has appeared in person and made his submissions. Mr. Arvind Kumar Id. Counsel has argued on behalf of Respondent no.2. Mr. Aneja has also concluded his Rejoinder submissions.

4. Arguments heard. Judgment reserved.”

6. Perusal of the aforesaid order shows that assurance had been given to this Court by the Deputy Commissioner of Police, Dwarka District, New Delhi, that appropriate action should be taken in accordance with law to secure the second floor of the property in question to the petitioner herein.

7. Learned counsel appearing for the petitioner submits that the petitioner is the owner of the whole building of the property in question. Respondent no. 1 had been inducted as a tenant only on the third floor of the property in question. However, during the period of Covid-19, the respondent no. 1, taking advantage of the fact that the whole building was



lying vacant, broke open the locks of second floor of the property and unauthorisedly encroached upon the said second floor of the property. He submits that there is no agreement with the respondent no. 1 for inducting him as a tenant in the second floor of the property and the respondent no. 1 has trespassed on the second floor the property in an illegal manner by breaking open the locks of the petitioner.

8. It is to be noted that the possession of respondent no. 1 in the property in question was only on the third floor of the property on the basis of a rent agreement with the petitioner.

9. This Court notes the submission made by learned counsel appearing for respondent no. 1 that the respondent no. 1 has already complied with the judgment dated 07th September, 2021 and has duly handed over the peaceful possession of the property to the petitioner, along with the occupation charges.

10. However, learned counsel appearing for respondent no. 1 disputes the ownership of the petitioner in the property in question by stating that the property in question belongs to the Gram Sabha.

11. It is to be noted that the possession of respondent no. 1 in the property in question was only pursuant to the rent agreement with the petitioner *qua* third floor of the property, which is entirely owned by the petitioner.

12. The title dispute is not before this Court. Therefore, the issue whether or not the property in question is situated on land which belongs to the Gram Sabha, is not subject matter of adjudication before this Court.

13. Furthermore, such dispute cannot be raised by respondent no. 1, especially, when it is undisputed that the possession of respondent no. 1 in the property in question was only on the basis of rent agreement with the



petitioner and the occupation of the respondent no. 1 in the property in question on the third floor, was only as a tenant.

14. It is undisputed that the respondent no. 1 has already vacated the third floor of the property.

15. However, merely on the basis of the assertion that the property in question is situated on a Gram Sabha land, the respondent no. 1 cannot seek any right to forcefully occupy a portion of the property.

16. In case respondent no. 1 has any grievance with regard to the status of the property being situated on Gram Sabha land, the respondent no. 1 may seek his remedies in accordance with law. However, he cannot seek to occupy the premises in question on the above premise, when admittedly his occupation in the building on the third floor was only as a tenant.

17. Accordingly, the local police is directed to ensure that the peaceful and vacant possession of the second floor of the property, is duly handed back to the petitioner.

18. The local police is directed to take appropriate action expeditiously, and file a Status Report before this Court.

19. Let compliance affidavit be filed by the Police within a period of two weeks, from today.

20. Accordingly, list for compliance in the Top Ten Matters in the *Advance List* on 14th August, 2026.

MINI PUSHKARNA, J

JULY 22, 2026

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