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

***Date of decision: 28.10.2026***

\# **CNR No. DLHC010515972026**

\+ CM(M) 2344/2026

KRISHAN KUMAR JAIN & ANR. ....Petitioners

Through: Mr. Praveen Agrawal, Mr. Firoz Khan, Mr. Anish Shrestha Advocates

versus

SHRI RAM NATH JAIN & ORS. .....Respondents

Through: Mr. Shashank Dixit, CGSC with Mr. Kunal Raj and Ms. Ojeswita Singh, Advocates for R-8 & 9
Mr. Shlok Chandra, Adv Ms. Lolita Crasta,Adv Mr. Parikshit Singh Bhati, Advs. for R-9

**CORAM:**
**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**

**% JUDGMENT (Oral)**

1. The present Petition, under Article 227 of the Constitution of India, 1950 (***"Constitution"***), read with Section 151 of the Code of Civil Procedure, 1908 (***"CPC"***), seeks to challenge the Judgment dated 23.12.2025 (***"Impugned Judgment"***) and the Order dated 30.05.2024 (***"Impugned Order"***) passed by the learned Principal District & Sessions Judge, Central District, Tis Hazari Courts, Delhi (***"learned Appellate Court"***) in an Appeal under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971

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(***"PP Act"***), being PPA No.06/2022 (***"PP Act Appeal"***).

***SUBMISSIONS ON BEHALF OF THE PETITIONERS:***

2. Learned counsel for the Petitioners submits that the Impugned Judgment is unsustainable, inasmuch as the Petitioners' rights in the subject premises, bearing No. 83-D/7, Turkman Road, New Delhi (***"Subject Premises"***), have been adversely affected without the Petitioners being heard. It is contended that the Petitioners are the legal heirs of late Sh. Jai Kumar Jain, in whose favour the Subject Premises was regularized. After the demise of late Sh. Jai Kumar Jain and his wife, late Smt. Soma Jain, the Petitioners have continued in lawful possession.

3. Learned counsel for the Petitioners further submits that the eviction proceedings were vitiated at the threshold. The Notice dated 24.11.2018, relied upon by the authorities, was never served upon the Petitioners. Learned counsel contends that no valid show cause Notice under Section 4 of the PP Act was ever issued to the Petitioners, so the order of eviction and the Impugned Judgment affirming it cannot stand.

4. As regards the Impugned Order, learned counsel for the Petitioners submits that the learned Appellate Court erred in rejecting the Impleadment Application filed by the Petitioners herein in the PP Act Appeal, insofar as the Petitioners were necessary and proper parties to the PP Act Appeal.

5. Learned counsel for the Petitioners submits that any order passed in that PP Act Appeal would have directly affected their rights and possession in the Subject Premises. It is submitted that the rejection of the Impleadment Application deprived the Petitioners of

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any opportunity to place their case on record, which is in violation of the principles of natural justice.

6. ***Per contra***, learned counsel appearing on behalf of the Respondents submits, at the outset, that the challenge to the Impugned Judgment is not maintainable at the instance of the Petitioners since they were not participants in the PP Act proceedings, and their Application seeking impleadment in the Appellate proceedings was rejected by the Impugned Order. Learned counsel for the Respondents contends that the Petitioners cannot assail the outcome of a statutory appeal to which they were never parties, nor raise grievances about the show cause notice and the eviction proceedings, which were taken against other persons and in which the Petitioners chose not to participate.

7. Learned counsel for the Respondents further submits that the present Petition, including their challenge to the Impugned Order, is barred by the Petitioners' own conduct and therefore not maintainable. It is submitted that their challenge to the Impugned Order in CM(M) No. 3333/2024 was withdrawn on 21.01.2026; the impleadment application they moved in W.P.(C) No. 321/2026, pursuant to the liberty granted in the withdrawal Order, was withdrawn on 24.07.2026; and their own challenge to the Impugned Judgment in W.P.(C) No. 19824/2025 was withdrawn on the same day, after it had been argued.

8. Learned counsel for the Respondents further submits that the liberty granted on 21.01.2026 was only to move an application in the proceedings challenging the Impugned Judgment, and the liberties granted on 24.07.2026 were only to avail remedies available in law,

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and none of them permitted the Petitioners to institute a fresh Petition on the same cause of action and, therefore, the present Petition is misconceived.

9. Learned counsel for the Respondents submits that the Impugned Order, even on merits, suffers from no infirmity. It is submitted that the learned Appellate Court rightly held that an Appeal under Section 9 of the PP Act is confined to the legality of the eviction order passed against the persons proceeded against and that the Petitioners are neither a necessary party nor a proper party to those proceedings. It is further submitted that the Petitioners never sought to participate in the proceedings before the learned Estate Officer, though those proceedings remained pending for nearly three years, and offered no explanation for that failure.

10. Learned counsel for the Respondents lastly submits that the Petitioners have approached this Court repeatedly on the same grievance, and that the present Petition is an abuse of the process of the Court, which also seeks reliefs, such as restoration of possession and compensation, that are wholly outside the scope of Article 227 of the Constitution. It is accordingly prayed that the Petition be dismissed.

11. ***In rejoinder,*** controverting the submission advanced on behalf of the Respondents upon the non-maintainability of the present Petition, learned counsel for the Petitioners submits that the present Petition is maintainable, inasmuch as the Petitioners withdrew their earlier proceedings with liberty, and that the Orders dated 21.01.2026 and 24.07.2026 permitted them to avail the appropriate remedies available in law, which they have done by instituting the present

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Petition.

12. No other submissions were advanced by the learned counsel appearing on behalf of the parties.

***ANALYSIS:***

13. This Court has heard the learned counsel appearing on behalf of the parties and, with their able assistance, perused the material available on record.

14. For the sake of clarity and convenience, the ensuing discussion is arranged under separate headings corresponding to the principal discussion thereunder. The said headings are merely intended to facilitate the orderly appreciation of the reasoning and are not to be construed as creating isolated compartments between the issues. The Judgment is to be read as a whole, and the findings recorded under each heading shall be understood in the context of, and in conjunction with, the findings and reasoning contained in the other parts of the Judgment.

***Successive Proceedings against the Impugned Order and the Impugned Judgment***

15. This Court, at the outset, deems it apposite to notice that the Petitioners have approached this Court on successive occasions in relation to the same underlying grievance. The present Petition cannot be appreciated in isolation and must be considered against the backdrop of those proceedings, which are discussed in detail in the ensuing paragraphs.

16. The Petitioners herein never participated in the original PP Act proceedings. They sought to explain their absence in these proceedings and thereby to get themselves arrayed in the PP Act

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Appeal. To this effect, the Petitioners moved an Application dated 16.12.2023 under Order I Rule 10 CPC (***"Impleadment Application in the PP Act Appeal"***), seeking their impleadment as parties thereto. The learned Appellate Court, by the Impugned Order dated 30.05.2024, rejected the said Application.

17. The Petitioners first challenged the Impugned Order, by way of a Petition under Article 227 of the Constitution, being CM(M) No. 3333/2024 (***"Petition against the Impugned Order"***). However, upon the PP Act Appeal being decided by way of the Impugned Judgment, the Petitioners withdrew this Petition against the Impugned Order on 21.01.2026 stating that they *"do not wish to press the present petition, against the impugned order as it has been passed during the pendency of the PPA No. 06/2022"* and sought liberty of the Court *"to move an appropriate Application before the Co-ordinate Bench"* of this Court, which was *in seisin* of the challenge to the Impugned Judgment. Accordingly, the said Petition was dismissed as withdrawn and the Petitioners were granted *"liberty, as prayed for, in accordance with law"*. Meaning thereby, that the Petitioners had elected to eschew the challenge under Article 227 of the Constitution in favour of moving an Impleadment Application in the Writ Petition being W.P.(C) No.321/2026 preferred by the Appellants in the PP Act Appeal.

18. The Petitioners had also instituted a Writ Petition under Articles 226 and 227 of the Constitution, being W.P.(C) No. 19824/2025 (***"Writ Petition against the Impugned Judgment by the Petitioners"***), during the pendency of the aforesaid Petition against the Impugned Order.

19. The Impugned Judgment was also assailed by the Appellants in

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the PP Act Appeal (***"Original Appellants"***) by way of a Writ Petition under Article 226 of the Constitution, being W.P.(C) No. 321/2026 (***"Writ Petition against the Impugned Judgment by the Original Appellants"***).

20. The Petitioners, as a consequence of the Order dated 21.01.2026, filed an Application seeking their impleadment as parties, being CM APPL. 18406/2026 (***"Impleadment Application in Writ Petition"***), in the Writ Petition against the Impugned Judgment by the Original Appellants.

21. *Ergo*, the Impleadment Application in Writ Petition was founded upon the liberty granted to the Petitioners by the Order dated 21.01.2026, while permitting the withdrawal of the Petition against the Impugned Order. Paragraph No. 3 of the said Application expressly records as much.

22. The Impleadment Application in Writ Petition was, therefore, the very proceeding through which the Petitioners elected to avail of the liberty of 21.01.2026.

23. On 24.07.2026, both proceedings initiated by the Petitioners came to an end before this Court. *First*, the Petitioners withdrew the Impleadment Application in Writ Petition, and were granted *"liberty to avail such appropriate remedies as are available to him under law"*. *Second*, the Writ Petition against the Impugned Judgment by the Petitioners was withdrawn, after learned counsel had argued the matter for some time, with *"liberty to take such appropriate remedies as are available to him under law"*. On the latter occasion, this Court also recorded its strong exception to the manner in which learned counsel for the Petitioners sought to impose conditions upon the

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recording of the withdrawal.

24. Thereafter, the Petitioners instituted the present Petition, under Article 227 of the Constitution, assailing both the Impugned Order and the Impugned Judgment, together with reliefs of remand, restoration of possession and compensation.

25. The present Petition thus appears to be the culmination of these successive proceedings and the *"liberties"* obtained therein. It seeks to reopen, in a single proceeding, both challenges, *i.e.*, to the Impugned Order, refusing the impleadment, and the Impugned Judgment, each of which the Petitioners had earlier challenged separately and thereafter given up.

26. In the backdrop of the aforesaid sequence of events, two questions arise for consideration on the maintainability of the present Petition. The first is what consequence, in law, follows from the withdrawal by the Petitioners of their earlier proceedings. The second is whether the liberties granted to the Petitioners on 21.01.2026 and 24.07.2026, or either of them, or the invocation of Article 227 of the Constitution in the present Petition, entitle the Petitioners to institute the present Petition notwithstanding such withdrawal.

***Consequence of withdrawal without express liberty***

27. Insofar as the *first* question is concerned, the law is well settled. Order XXIII Rule 1(4) CPC provides that where a plaintiff abandons a suit, or withdraws from it without the permission of the Court, he is precluded from instituting a fresh suit in respect of the same subject matter. Though the provision, in terms, governs suits, the Supreme Court has extended the principle underlying it to proceedings under the writ jurisdiction. It has done so not on the footing of *res judicata*,

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but on considerations of public policy.

28. In ***Sarguja Transport Service v. State Transport Appellate Tribunal***[1], the Supreme Court considered whether a petitioner who had withdrawn a writ petition without permission to institute a fresh one could file a fresh writ petition in the High Court on the same cause of action. The Court held that the principle underlying Rule 1 of Order XXIII CPC should be extended to such petitions, observing as follows:

> "**9.** The point for consideration is whether a petitioner after withdrawing a writ petition filed by him in the High Court under Article 226 of the Constitution of India without the permission to institute a fresh petition can file a fresh writ petition in the High Court under that article. On this point the decision in Daryao case [AIR 1961 SC 1457 : (1962) 1 SCR 574] is of no assistance. But we are of the view that the principle underlying Rule 1 of Order XXIII of the Code should be extended in the interests of administration of justice to cases of withdrawal of writ petition also, not on the ground of res judicata but on the ground of public policy as explained above. It would also discourage the litigant from indulging in bench-hunting tactics. In any event there is no justifiable reason in such a case to permit a petitioner to invoke the extraordinary jurisdiction of the High Court under Article 226 of the Constitution once again. While the withdrawal of a writ petition filed in a High Court without permission to file a fresh writ petition may not bar other remedies like a suit or a petition under Article 32 of the Constitution of India since such withdrawal does not amount to res judicata, the remedy under Article 226 of the Constitution of India should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ petition when he withdraws it without such permission. In the instant case the High Court was right in holding that a fresh writ petition was not maintainable before it in respect of the same subject-matter since the earlier writ petition had been withdrawn without permission to file a fresh petition. We, however, make it clear that whatever we have stated in this order may not be considered as being applicable to a writ petition involving the personal liberty of an individual in which the petitioner prays for the issue of a writ in the nature of habeas corpus or seeks to enforce the fundamental right guaranteed under Article 21 of the Constitution since such a case stands on a

[1] (1987) 1 SCC 5

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different footing altogether. We, however leave this question open."

***(Emphasis supplied)***

29. The Court explained that the rule is founded on public policy. It prevents a litigant from abandoning a petition, often when an adverse outcome appears likely, and then filing another on the same cause of action, possibly before a different Bench. A petitioner who withdraws without such permission is to be treated as having abandoned the remedy under the writ jurisdiction in respect of that cause of action.

30. The principle was reaffirmed and applied in ***Upadhyay & Co. v. State of U.P.***[2]. There the Supreme Court held that a litigant who withdraws a petition without obtaining liberty to institute a fresh one cannot thereafter seek the same relief in fresh proceedings:

"**13.** The aforesaid ban for filing a fresh suit is based on public policy. This Court has made the said rule of public policy applicable to jurisdiction under Article 226 of the Constitution (Sarguja Transport Service v. STAT [(1987) 1 SCC 5 : 1987 SCC (Cri) 19] ). The reasoning for adopting it in writ jurisdiction is that very often it happens, when the petitioner or his counsel finds that the court is not likely to pass an order admitting the writ petition after it is heard for some time, that a request is made by the petitioner or his counsel to permit him to withdraw it without seeking permission to institute a fresh writ petition. A court which is unwilling to admit the petition would not ordinarily grant liberty to file a fresh petition while it may just agree to permit withdrawal of the petition. When once a writ petition filed in a High Court is withdrawn by the party concerned, he is precluded from filing an appeal against the order passed in the writ petition because he cannot be considered as a party aggrieved by the order passed by the High Court. If so, he cannot file a fresh petition for the same cause once again."

***(Emphasis supplied)***

31. Most recently, in ***Satheesh V.K. v. Federal Bank Ltd.***[3], although that matter arose from a second SLP, the Supreme Court

[2] (1999) 1 SCC 81
[3] 2025 SCC OnLine SC 2046

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reiterated that ***Upadhyay & Co.*** *(supra)*, which rests on ***Sarguja Transport Service*** *(supra)*, continues to hold the field. The Court held that a subsequent challenge is barred, as a matter of public policy, where the earlier challenge to the same order was withdrawn without liberty. It explained that the bar exists to prevent forum-shopping and bench-hunting, and to secure finality of litigation:

> "**22.** *Upadhyay and Co.* v. *State of U.P.* [(1999) 1 SCC 81; 1998 SCC OnLine SC 997.], which precedes *Kunhayammed* v. *State of Kerala*[(2000) 245 ITR 360 (SC); (2000) 119 STC 505 (SC); (2000) 6 SCC 359; 2000 SCC OnLine SC 1008.] in point of time, is still the law holding the field declaring in no certain terms that the principle flowing from Order XXIII Rule 1 of the Code of Civil Procedure is also applicable to special leave petitions presented before this court. *Reading Upadhyay and Co.* v. *State of U.P.* together with *Sarguja Transport Service* v. *State Transport Appellate Tribunal* [(1987) 1 SCC 5; 1987 SCC (Cri) 19; 1986 SCC OnLine SC 233.] , which had the occasion to deal with a subsequently filed writ petition under article 226 of the Constitution of India after unconditional withdrawal of the first writ petition under the same article, the position in law seems to be this-a second special leave petition would not be maintainable at the instance of a party, who elects not to proceed with the challenge laid by him in an earlier special leave petition and withdraws such petition without obtaining leave to file a fresh special leave petition; if such party applies for a review before the court from whose order the special leave petition was initially carried and the review fails, then he can neither challenge the order rejecting the review nor the order of which review was sought."
>
> ***(Emphasis supplied)***

32. The common thread in these decisions is that withdrawal is a deliberate choice, and it carries legal consequences. A litigant who chooses not to pursue a challenge, without reserving the right to bring it again, abandons that challenge. The litigant cannot later revive it by a fresh proceeding, by recasting the relief, or by combining it with other challenges. Public policy demands finality, and the process of the Court cannot be used to keep the same grievance alive through

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successive proceedings.

33. The principles enunciated hereinabove shall now be applied to the facts of the present case, to answer the second question as determined herein before, as to whether the challenges laid by the Petitioners to the Impugned Order and the Impugned Judgment are maintainable, in light of the withdrawal of their earlier proceedings.

***Maintainability of the Challenge to the Impugned Order***

34. Applying these principles, as enunciated by the Hon'ble Supreme Court in ***Upadhyay & Co.*** *(supra)* and ***Sarguja Transport Service*** *(supra)*, this Court is of the considered view that the challenge to the Impugned Order cannot be revived and is, therefore, not maintainable by way of the present Petition.

35. The Petitioners withdrew the Petition under Article 227 of the Constitution against the Impugned Order on 21.01.2026 without seeking liberty to institute a fresh petition against it. The only liberty sought and granted was specific, *namely*, to move an Application in the proceedings challenging the Impugned Judgment. The Petitioners availed of that liberty by way of the Impleadment Application in Writ Petition and, upon its withdrawal on 24.07.2026, the liberty stood exhausted.

36. It also bears noting that the Petition against the Impugned Order was itself instituted under Article 227 of the Constitution, the very provision invoked in the present Petition. The present challenge to the Impugned Order is, therefore, a second petition under the same provision, against the same Order, on the same cause of action.

37. Further, the liberty granted on 24.07.2026, upon the withdrawal of the Impleadment Application in Writ Petition, does not come to the

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aid of the Petitioners. That liberty was only to avail such appropriate remedies as are available in law. A liberty so worded preserves a remedy which the law otherwise permits. It neither creates a remedy which is otherwise unavailable, nor, in view of the principle enunciated in ***Sarguja Transport Service*** *(supra)* and ***Upadhyay & Co.*** *(supra)*, revives a challenge which stood abandoned upon an unconditional withdrawal. The Petitioners cannot treat such a liberty as an unrestricted permission to institute a fresh petition, on the same cause of action, for substantially the same reliefs.

38. Accordingly, the challenge to the Impugned Order is not maintainable. It seeks to re-agitate a grievance which the Petitioners have already pursued and abandoned before this Court, and the liberties granted to them do not permit such a course. To permit it would be to allow the very abuse of process that the principle in ***Upadhyay & Co.*** *(supra)* and ***Sarguja Transport Service*** *(supra)* is intended to prevent.

***<u>Maintainability of the Challenge to the Impugned Judgment</u>***

39. The same consequence follows, with greater force, for the challenge to the Impugned Judgment. The Petitioners withdrew the Writ Petition against the Impugned Judgment by the Petitioners, after submissions had been advanced, without liberty to institute a fresh petition on the same cause of action. The liberty granted on that occasion was, once again, only to take such appropriate remedies as are available in law.

40. This Court is of the considered view that such a liberty does not revive a challenge abandoned upon withdrawal. The principle in ***Upadhyay & Co.*** *(supra)*, which rests on ***Sarguja Transport Service***

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*(supra)*, squarely applies to the attempt to revive that challenge through the present Petition, and therefore the challenge to the Impugned Judgment is not maintainable.

41. It is also necessary to notice the manner in which the jurisdiction of this Court has been invoked by the Petitioners on each occasion. The Writ Petition against the Impugned Judgment by the Petitioners was expressly instituted under Articles 226 and 227 of the Constitution, as recorded in Paragraph No. 1 of the Order dated 24.07.2026.

42. The present Petition, which assails both the Impugned Order and the Impugned Judgment, is once again instituted under Article 227 of the Constitution alone. The significance of this lies in the observation in ***Sarguja Transport Service*** *(supra)* that the withdrawal of a writ petition without permission to file afresh results in the abandonment of *"the remedy under Article 226"* in respect of that cause of action, while not barring *"other remedies like a suit or a petition under Article 32"*.

43. It may be contended that a petition under Article 227 of the Constitution is one such *"other remedy"*, the supervisory jurisdiction of this Court being distinct from its writ jurisdiction under Article 226 of the Constitution. This Court, however, would be unable to accept any such contention in the facts of the present case.

44. The Petitioners did not merely abandon a remedy under Article 226 of the Constitution. They expressly invoked both Articles 226 and 227 of the Constitution against the Impugned Judgment, argued the matter, and thereafter withdrew it without liberty to institute a fresh Petition on the same cause of action. The supervisory jurisdiction of

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this Court under Article 227 of the Constitution, which the Petitioners now invoke, is therefore the very jurisdiction which they had invoked earlier and voluntarily given up.

45. The omission of Article 226 of the Constitution from the cause title of the present Petition does not alter the substance of the challenge. The order impugned, the cause of action, the grounds urged and the reliefs claimed are, in substance, the same as in the earlier proceedings, the present Petition merely seeks to combine the independent challenges pursued separately to the "Impugned Order & the Impugned Judgment". It is the substance of the proceeding, and not the label which a party chooses to give it, that determines its true character. The "other remedies" left open by ***Sarguja Transport Service*** *(supra)* cannot be read to include a fresh petition before this very Court, against the very same order, merely by re-arranging the constitutional provisions under which its jurisdiction is invoked.

46. If a litigant could escape the consequence of an unconditional withdrawal by invoking Article 227 of the Constitution after abandoning a petition under Articles 226 and 227, or *vice versa*, the rule of public policy recognised in ***Sarguja Transport Service*** *(supra)* and ***Upadhyay & Co.*** *(supra)* would be rendered illusory. The litigant would be able to do indirectly what the law does not permit him to do directly.

47. Furthermore, the jurisdiction under Article 227 of the Constitution is supervisory, equitable and discretionary, and is exercised sparingly. A litigant who has invoked that very jurisdiction against the same order and then abandoned it stands on a weaker footing, and not a stronger one, when he seeks to invoke it a second

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time. The change in the provision invoked is, therefore, of no avail to the Petitioners. It only reinforces the conclusion that the present Petition is an attempt to re-agitate, under a different garb, a challenge which stood abandoned on 24.07.2026.

***Challenge to Impugned Order and the Impugned Judgment not maintainable***

48. In view of the foregoing discussion, this Court is of the considered view that the present Petition is not maintainable. The challenge to the Impugned Order seeks to revive a grievance which the Petitioners pursued before this Court and voluntarily abandoned, first by withdrawing the Petition against the Impugned Order and thereafter by withdrawing the Impleadment Application in Writ Petition, through which the liberty of 21.01.2026 was availed of.

49. The challenge to the Impugned Judgment likewise stands abandoned upon the withdrawal, after arguments, of the Writ Petition against the Impugned Judgment by the Petitioners. The invocation of Article 227 of the Constitution in the present Petition does not alter that position. Neither the liberties granted to the Petitioners nor the change in the provision invoked entitles them to re-agitate these challenges through the present Petition.

50. Be that as it may, since learned counsel for the Petitioners advanced submissions at length on the merits of both the Impugned Order and the Impugned Judgment, this Court deems it appropriate, for the sake of completeness, to examine the same as well.

***Challenge to the Impugned Order: Determination on Merits***

51. Insofar as the Impugned Order is concerned, this Court finds no grounds warranting interference under Article 227 of the Constitution.

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Before undertaking discussion thereupon, this Court deems it apposite to reproduce the relevant portions of the Impugned Order. The same read as under:

> "**10.** The question to be decided before this Court is as to whether the applicants, who claims to be owner of the property in question can be impleaded as a party to this appeal.
> **10.1** The general rule in regard to impleadment of parties is that the plaintiff in a suit, being dominus litis, may choose the persons against whom he wishes to litigate and cannot be compelled to sue a person against whom he does not seek any relief. Consequently, a person who is not a party to the *lis* has no right to be impleaded against the wishes of the plaintiff. But this general rule is subject to an exception laid down under Order I Rule 10(2) CPC, whereby *a Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name, of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added*. Thus, what is to be seen is as to whether the person sought to be added as a party is necessary and proper party for the particular suit.
> **11.** A "necessary party" is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the court. If a "necessary party" is not impleaded, the suit itself is liable to be dismissed. A "proper party" is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. Merely the fact that a person is likely to secure a right/interest in the suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit.
> **12.** In the case of **Kasturi vs Iyyamperumal: (2005) 6 SCC 733**, the Hon'ble Supreme Court observed thus:
>
> > "16. That apart, **from a plain reading of an expression used in subrule (2) Order I Rule 10 CPC "all the questions involved in the suit" it is abundantly clear that the legislature clearly meant that the controversies raised as between the parties to the litigation must be**

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> **gone into only, that is to say, controversies with regard to the right which is set up and the relief claimed on one side and denied on the other and not the controversies which may arise between the plaintiff-appellant and the defendants inter se or questions between the parties to the suit and a third party.** In our view, therefore, the Court cannot allow adjudication of collateral matters so as to convert a suit for specific performance of contract for sale into a complicated suit for title between the plaintiff appellant on one hand and respondents 2 and 3 and respondents 1 and 4 to 11 on the other. This addition, if allowed, would lead to a complicated litigation by which the trial and decision of serious questions which are totally outside the scope of the suit would have to be gone into."
>
> *(emphasis supplied)*

**13.** In the case of **Mumbai International Airport Pvt. Ltd. Vs Regency Convention Centre and Hotels Pvt. Ltd.: (2010) 7 SCC 417**, the Hon'ble Supreme Court held that Order I Rule 10 (2) CPC is not about right of a stranger to be impleaded, but about the judicial discretion of the Court to strike out or add parties and the Hon'ble Supreme Court laid down certain illustrations regarding exercise of discretion under the said provision thus:

> "24.1 If a plaintiff makes an application for impleading a person as a defendant on the ground that he is a necessary party, the Court may implead him having regard to the provisions of Rules 9 and 10(2) of Order I. If the claim against such a person is barred by limitation, it may refuse to add him as a party and even dismissed the suit for non joinder of a necessary party. …
>
> 24.4 If an application is made by a plaintiff for impleading someone as a proper party, subject to limitation, bona fides etc., the Court will normally implead him, if he is found to be a proper party. On the other hand, if a non party makes an application seeking impleadment as a proper party and Court finds him to be a proper party, the Court may direct his addition as a defendant; but if the Court finds that his addition will alter the nature of the suit or introduce a new cause of action, it may dismiss the application even if he is found to be a proper party, if it does not want to widen the scope of the specific performance suit; or the Court may direct such applicant to be impleaded as a proper party either unconditionally or subject to terms. …"
>
> *(emphasis supplied)*

**14.** Two tests are to be satisfied for determining the question as to who is the necessary party and these tests are – (a) there must a

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right to some relief against such party in respect of the controversies involved in the proceedings and (b) no effective decree can be passed in the absence of such party. Proper party is one whose presence is necessary for effective and complete adjudication of all the questions involved in the suit.

**15.** In this regard, the **Hon'ble Supreme Court of India in the case of J.J. Lal Pvt. Ltd. vs M.R. Murali: AIR 2002 SC 1061,** held that in a simple suit for eviction between the landlord and the tenant, an application under Order I Rule 10 CPC filed by the applicants claiming title to the property cannot be considered, as that would change the complexion of the litigation and raise such controversies as are beyond the scope of litigation. The Hon'ble Apex Court held that any decision in the ejectment suit would govern and bind the parties therein and the impleadment applicants are free to establish their claims and title, whatever it may be in an independent proceeding before a competent forum, so the applicants claiming to be owners in title cannot be permitted to come on record.

**16.** In the present case, what is to be seen is as to whether the applicants seeking impleadment as a party to this appeal is a necessary and/or proper party. For that, what is to be seen is as to whether in the absence of the applicants this appeal cannot be effectively decided by this court or whether his presence would enable this court to completely, effectively and adequately adjudicate upon the disputes involved in this appeal. In order to arrive at a conclusion that the applicants are necessary party, the tests to be considered are whether there is a right to some relief against the applicants in respect of the controversies involved in these proceedings and whether no effective order can be passed in the absence of the applicant in this appeal.

**17.** The present proceedings being appeal under Section 9 (2)(c) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, the controversy involved in this appeal is as to whether the appellants are liable to be evicted from the property in question i.e. D-83, Type IV, Turkman Road, New Delhi. The original proceedings were conducted by the Estate Officer between the appellants and the respondents, which proceedings culminated into the impugned order under Section 5 sub section 1 & 2 of the Public Premises (Eviction of Unauthorized Occupants) Act, thereby directing the appellants to be evicted. It is nobody's case that one of the occupant of the subject premises is the applicants. In view of nature of these proceedings, it certainly cannot be said that in the present appeal no effective final order can be passed in the absence of the applicants. Therefore, the applicants are certainly not a necessary party to this appeal.

**18.** Then comes the question as to whether the applicants are a proper party to these proceedings, in the sense that their presence is

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necessary for effective and complete adjudication of all questions involved in this appeal. In that regard, what is to be seen is "the questions involved in this appeal" which is whether the appellants are unauthorized occupants.

**19.** Irrespective of the final outcome of this appeal, the applicants will neither get resolved the issue regarding their possession of the subject premises nor get declaration of being owner of the subject premises, because the former being in the domain of Delhi Rent Control Act and latter being in the domain of general civil court, the limited scope of appeals under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act does not confer jurisdiction on this court while sitting in appeal to grant either of the said reliefs to the applicants. Further, if the applicants are allowed to be impleaded in this appeal, scope of this appeal will get widened and will create complicated questions of property disputes/possession of subject premises between the parties. Impleadment of the applicants will thus alter nature of the present proceedings, which are under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act and a new cause of action will get introduced.

**20.** In support of his submissions, the applicants have relied upon some documents i.e. copy of the receipt of payment dated 13.02.1975 issued by CPWD on the name of Jai Kumar Jain for the premises 83-D, Turkman Road, New Delhi, copies of other receipts issued by Directorate of Estates in the name of Jai Kumar Jain till the year 2001 and copy of electricity bill for the month of June, 2015 in the name of Jai Kumar Jain, 83, Turkman Road, Delhi. The relevant point to be seen here is that what was the status of the applicants qua the suit premises and why they did not join the proceedings before the Estate Officer when other occupants were heard and impugned order was passed against them. No plausible explanation has come from the applicants in this regard.

**21.** In view of above discussion, application under Order I Rule 10 CPC filed by applicants Krishan Kumar Jain and Smt. Sapna Jain in this appeal is dismissed."

***(Emphasis supplied)***

52. Upon a perusal of the relevant portion of the Impugned Order, this Court is of the considered view that the learned Appellate Court has correctly approached the question as one concerning the Petitioners' entitlement to be impleaded as necessary or proper parties in an appeal under Section 9 of the PP Act. The scope of such an appeal is directed to the legality of the eviction order passed by the

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Estate Officer against the persons proceeded against. The controversy before the learned Appellate Court concerned whether the appellants in that appeal were in unauthorized occupation of the public premises and whether the eviction order against them was sustainable.

53. The Petitioners' asserted rights in the Subject Premises did not, by themselves, make them necessary parties to that controversy. The appellants had sought no relief against the Petitioners, and the legality of the eviction order could be determined in their absence. Nor were the Petitioners proper parties merely because they asserted an independent claim founded on succession to late Sh. Jai Kumar Jain and on their own alleged title or possession. Their claim would introduce a distinct controversy into an appeal whose scope was confined to the legality of the eviction order against the persons proceeded against.

54. In ***Kasturi*** *(supra)*, the Hon'ble Supreme Court explained that the expression *"all the questions involved in the suit"* in Order I Rule 10(2) CPC refers to the controversy between the parties to the *lis* and does not extend to an independent claim of title asserted by a stranger. Further, in ***Mumbai International Airport (P) Ltd.*** *(supra)*, the Hon'ble Supreme Court reiterated that impleadment under Order I Rule 10(2) CPC is governed by judicial discretion and that a person asserting an interest in the subject matter does not, for that reason alone, acquire a right to be impleaded. The Court may decline impleadment where it would alter the nature and scope of the proceedings or introduce a separate cause of action.

55. This Court is of the considered view that the learned Appellate Court has also correctly noticed and rightly applied the principles

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enunciated in ***Kasturi*** *(supra)* and ***Mumbai International Airport (P) Ltd.*** *(supra)*. The relevant portions thereof, having been reproduced in the Impugned Order extracted herein before, are not being reproduced again.

56. Further, the learned Appellate Court also took note of the Petitioners' failure to explain satisfactorily why they had not sought to participate in the proceedings before the learned Estate Officer, which had remained pending for a substantial period. That circumstance was relevant to the exercise of discretion under Order I Rule 10 CPC. A person who claims an independent interest in the premises cannot, merely by asserting that interest at the appellate stage, insist upon being joined in proceedings whose scope is confined to the legality of an eviction order against other persons. The question was not whether the Petitioners could ever assert any rights in the Subject Premises, but whether their presence was necessary or proper for the adjudication of the appeal then before the learned Appellate Court. It is necessary to clarify that the Impugned Order dated 30.05.2024 did not adjudicate the Petitioners' asserted rights in the Subject Premises. It is also apposite to mention that this Application was resisted by the Original Appellants in the PP Act Appeal, and the same has been recorded by the learned Appellant Court in the Impugned Order, which reads as under:

> "**9.** Per contra, Ld. Counsels for appellants and respondents no.2 have strongly opposed the application filed by the applicants. They have also argued more or less on the averments as mentioned in their reply. Ld. Counsel for appellants argued that applicants are neither necessary nor proper parties to the present appeal and their presence is not required for deciding the appeal, thus applicants cannot be impleaded in the appeal. The application is not maintainable as the applicants have not shown their bonafide and

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> due diligence with regard to the matter in issue as they did not put their appearance before ld. Estate officer before whom the proceedings were pending for almost three years. Applicants are seeking Probate/Letters of Administration qua the property in dispute despite being aware that the property is a government property."
>
> ***(Emphasis supplied)***

57. Insofar as the specific contention advanced on behalf of the Petitioners that no valid Show Cause Notice under Section 4 of the PP Act was ever issued or served upon them is concerned, this Court is of the considered view that the same does not advance their case. The aforesaid contention proceeds on the premise that the Petitioners were in occupation of the Subject Premises and were, therefore, the persons against whom eviction proceedings were instituted. However, as the learned Appellate Court rightly noted in Paragraph 17 of the Impugned Order, *"it was nobody's case that the Petitioners were occupants of the subject premises"*. The eviction proceedings under the PP Act were directed against the persons found to be in occupation of the Subject Premises, and it was for those persons to assail the validity, form or service of the notices issued to them.

58. Further, it is pertinent to note that the Petitioners never raised any objection regarding the non-issuance or non-service of a Show Cause Notice under Section 4 of the PP Act in their Impleadment Application filed before the learned Appellate Court. Having failed to raise the aforesaid ground before the learned Appellate Court, the Petitioners cannot now seek to challenge the Impugned Order based on a ground that was not part of their case before that Court. Therefore, this contention merits no consideration.

59. At this juncture, it is apposite to emphasise that the jurisdiction

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of this Court under Article 227 of the Constitution is supervisory and is not to be exercised as an appellate jurisdiction. Interference is warranted where the subordinate court has acted outside its jurisdiction, committed a patent error of law, or arrived at a conclusion that is perverse or otherwise warrants supervisory correction. It is not enough that another view might have been possible. Reference may be made to ***Garment Craft v. Prakash Chand Goel***[4].

> "**15.** Having heard the counsel for the parties, we are clearly of the view that the impugned order [Prakash Chand Goel v. Garment Craft, 2019 SCC OnLine Del 11943] is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India. The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal. [Celina Coelho Pereira v. Ulhas Mahabaleshwar Kholkar, (2010) 1 SCC 217 : (2010) 1 SCC (Civ) 69] The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice.
>
> **16.** Explaining the scope of jurisdiction under Article 227, this Court in Estralla Rubber v. Dass Estate (P) Ltd. [Estralla Rubber v. Dass Estate (P) Ltd., (2001) 8 SCC 97] has observed : (SCC pp. 101-102, para 6)
>
> > "**6.** The scope and ambit of exercise of power and jurisdiction by a High Court under Article 227 of the Constitution of India is examined and explained in a number of decisions of this Court. The exercise of power

[4] (2022) 4 SCC 181

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> under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected. It is also well settled that the High Court while acting under this Article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to."
>
> ***(Emphasis supplied)***

60. In view of the foregoing discussion, and the scope of jurisdiction of this Court under Article 227 of the Constitution to interfere with a judicial order, this Court finds no jurisdictional error, perversity or patent illegality warranting interference with Impugned Order.

***Challenge to the Impugned Judgment: Determination on Merits***

61. Insofar as the Impugned Judgment is concerned, this Court is of the considered view that the challenge thereto fails at the very outset, the Petitioners not being persons who can maintain a challenge to it. This conclusion follows all the more inevitably once the challenge to the Impugned Order has failed, both on maintainability and on merits.

62. The Petitioners were admittedly not parties to the PP Act Appeal, in which the Impugned Judgment came to be rendered. Their

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Impleadment Application in the PP Act Appeal stood rejected by the Impugned Order. The Petitioners were, therefore, not merely absent from the PP Act Appeal, but were judicially excluded from it, and that exclusion continues to operate, the Impugned Order having been found to warrant no interference by this Court.

63. The PP Act Appeal was a statutory appeal under Section 9 of the PP Act. It was instituted by the persons against whom the learned Estate Officer had passed the order of eviction, and its scope was confined to the legality of that order as against them. The grievances which the Petitioners seek to urge against the Impugned Judgment concern the validity, form and service of the show cause notice, and the manner in which the eviction proceedings were conducted before the learned Estate Officer. Those grievances, however, relate to proceedings taken against other persons, in which the Petitioners neither were parties nor sought to participate. Such grievances may be urged by the persons proceeded against. They cannot, by themselves, confer upon a stranger to those proceedings a right to assail the final judgment rendered therein.

64. It follows that the Impugned Order, and that Order alone, determined the Petitioners' entitlement to participate in the PP Act Appeal. The Petitioners could have assailed the Impugned Judgment only upon first succeeding in setting aside the refusal of their impleadment. That challenge having failed, the Impugned Order stands, and with it the Petitioners' exclusion from the PP Act Appeal.

65. The combined challenge to the Impugned Order as also the Impugned Judgment appears to be a cleverly drafted attempt to indirectly do that which is prohibited to be done directly, which is to

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challenge the Impugned Judgment. Consequently, the challenge to the Impugned Judgment, at the instance of the Petitioners, is devoid of merit and must fail.

***CONCLUSION:***

66. The procedural history in the present case must be viewed cumulatively. The Petitioners first sought to challenge the refusal of impleadment; they then challenged the final Judgment in a separate Writ Petition under Articles 226 and 227 of the Constitution; they sought impleadment in a Writ Petition instituted by the persons who had pursued the statutory appeal; and, after withdrawing those proceedings, they have instituted the present Petition combining the earlier challenges under Article 227 of the Constitution.

67. The jurisdiction of this Court, as discussed herein-before, cannot be invoked repeatedly to obtain another opportunity to pursue a grievance which has already been raised and thereafter abandoned, particularly where the successive proceedings substantially overlap in their object and relief. Such a course burdens the judicial process and exposes the opposing parties to repeated litigation over the same controversy.

68. In ***Dnyandeo Sabaji Naik v. Pradnya Prakash Khadekar***[5], the Hon'ble Supreme Court underscored the heavy burden of litigation upon the Courts in India and the need for courts to address frivolous and vexatious litigation, including through realistic costs where warranted. The relevant observation read as under:

> **"13.** This Court must view with disfavour any attempt by a litigant to abuse the process. The sanctity of the judicial process will be seriously eroded if such attempts are not dealt with firmly. A

[5] (2017) 5 SCC 496

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litigant who takes liberties with the truth or with the procedures of the Court should be left in no doubt about the consequences to follow. Others should not venture along the same path in the hope or on a misplaced expectation of judicial leniency. Exemplary costs are inevitable, and even necessary, in order to ensure that in litigation, as in the law which is practised in our country, there is no premium on the truth.

**14.** Courts across the legal system—this Court not being an exception—are choked with litigation. Frivolous and groundless filings constitute a serious menace to the administration of justice. They consume time and clog the infrastructure. Productive resources which should be deployed in the handling of genuine causes are dissipated in attending to cases filed only to benefit from delay, by prolonging dead issues and pursuing worthless causes. No litigant can have a vested interest in delay. Unfortunately, as the present case exemplifies, the process of dispensing justice is misused by the unscrupulous to the detriment of the legitimate. The present case is an illustration of how a simple issue has occupied the time of the courts and of how successive applications have been filed to prolong the inevitable. The person in whose favour the balance of justice lies has in the process been left in the lurch by repeated attempts to revive a stale issue. This tendency can be curbed only if courts across the system adopt an institutional approach which penalises such behaviour. Liberal access to justice does not mean access to chaos and indiscipline. A strong message must be conveyed that courts of justice will not be allowed to be disrupted by litigative strategies designed to profit from the delays of the law. Unless remedial action is taken by all courts here and now our society will breed a legal culture based on evasion instead of abidance. It is the duty of every court to firmly deal with such situations. The imposition of exemplary costs is a necessary instrument which has to be deployed to weed out, as well as to prevent the filing of frivolous cases. It is only then that the courts can set apart time to resolve genuine causes and answer the concerns of those who are in need of justice. Imposition of real time costs is also necessary to ensure that access to courts is available to citizens with genuine grievances. Otherwise, the doors would be shut to legitimate causes simply by the weight of undeserving cases which flood the system. Such a situation cannot be allowed to come to pass. Hence it is not merely a matter of discretion but a duty and obligation cast upon all courts to ensure that the legal system is not exploited by those who use the forms of the law to defeat or delay justice. We commend all courts to deal with frivolous filings in the same manner."

***(Emphasis supplied)***

69. The present case is precisely of the kind contemplated in

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***Dnyandeo Sabaji Naik*** *(supra)*. Viewed cumulatively, the conduct of the Petitioners discloses not a *bona fide* pursuit of a legal remedy, but a sustained attempt to keep alive, through successive proceedings, a grievance that they had themselves chosen to abandon. The successive proceedings, as detailed herein before as well, can be summarized as under:

| S. No. | Proceeding | Relief sought | Outcome |
|---|---|---|---|
| 1. | Application dated 16.12.2023 under Order I Rule 10 CPC in PPA No. 06/2022 (*Defined as* ***"Impleadment Application in the PP Act Appeal"*** *herein)* | Impleadment of the Petitioners in the Appeal under Section 9 of the PP Act | Dismissed by Order dated 30.05.2024 (Defined as ***"Impugned Order"*** herein). |
| 2. | Article 227 Petition, being CM(M) No. 3333/2024, *Krishan Kumar Jain & Anr. v. Shri Ram Nath Jain & Ors.* *(Defined as* ***"Petition against the Impugned Order"*** *herein)* | Setting aside of the Order dated 30.05.2024 (Defined as ***"Impugned Order"*** herein). | **Withdrawn.** Dismissed as withdrawn on 21.01.2026, with liberty only to move an appropriate application before the Bench seized of the challenge to the Judgment dated 23.12.2025 (defined as ***"Impugned Judgment"*** herein). |
| 3. | Articles 226 and 227 Petition, W.P.(C) No. 19824/2025, *Krishan Kumar Jain & Anr. v. Land and Development Office & Ors.* *(Defined as* ***"Writ Petition against the Impugned Judgment by the Petitioners"*** *herein)* | Setting aside of the Judgment dated 23.12.2025. (Defined as ***"Impugned Judgment"*** herein). | **Withdrawn.** After arguing for some time, learned counsel withdrew the Petition. Dismissed as withdrawn on 24.07.2026, with liberty *"to take such appropriate remedies as are available to him under law"*. This Court recorded its strong exception to the manner in which learned counsel sought to impose conditions on the recording of the withdrawal. |

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| S. No. | Proceeding | Relief sought | Outcome |
|---|---|---|---|
| 4. | CM APPL. 18406/2026 *(defined as **"Impleadment Application in Writ Petition"** herein)* in the Writ Petition, being W.P.(C) No. 321/2026, *Shri Ram Nath Jain & Ors. v. Land and Development Office & Ors. (Defined as **"Writ Petition against the Impugned Judgment by the Original Appellants"** herein)* | Impleadment of the Petitioners in the Writ Petition against the Impugned Judgment by the Original Appellants | **Withdrawn.** Dismissed as withdrawn on 24.07.2026, with liberty *"to avail such appropriate remedies as are available to him under law".* |
| 5. | The present Petition, CM(M) No. 2344/2026. | Setting aside of **both** the Order dated 30.05.2024 and the Judgment dated 23.12.2025; remand to the Estate Officer; restoration of possession; compensation. | *Considered in the present Judgment.* |

70. A perusal of the procedural history, as summarized herein before, makes it evident that each of these steps has consumed the time of this Court and of the Courts below, and has kept the Respondents in litigation over a controversy which, so far as the Petitioners are concerned, stood concluded. The Petitioners have thereby taken *"liberty"* with the procedures of this Court, which ***Dnyandeo Sabaji Naik*** *(supra)* holds must be dealt with firmly.

71. Allowing such conduct to pass with a mere dismissal would place a premium on the very litigative strategy that the Hon'ble

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Supreme Court has deprecated. It would signal that a litigant may withdraw a proceeding whenever the outcome appears unfavorable, and then return to Court in a new form, at no cost other than the time of the Court and of the opposite parties. This Court is, therefore, of the considered view that this is a fit case for the imposition of exemplary costs. Such costs are meant not merely to compensate, but to deter the Petitioners and others similarly inclined from abusing the process of the Court.

***DECISION:***

72. For the foregoing reasons, the challenge to the Impugned Order dated 30.05.2024 is not maintainable, having been abandoned by the Petitioners, and in any event fails on merits. The challenge to the Impugned Judgment dated 23.12.2025 is barred, the Petitioners having abandoned their earlier challenge to it under Articles 226 and 227 of the Constitution, and is, in any case, not maintainable at their instance, they not being parties to the PP Act Appeal. The Petition is, accordingly, dismissed.

73. In view of the foregoing discussion, the Petitioners are directed to pay Costs of ₹1,00,000/- (Rupees One Lakh only) to the Delhi High Court Legal Services Committee (DHCLSC) within three (03) weeks from today. Proof of deposit shall be placed on record. In the event of default, the Registry shall list the matter for appropriate directions.

74. It is clarified that nothing in this Judgment shall be construed as an expression of opinion on the Petitioners' asserted rights, if any, in the Subject Premises. Any such rights may be pursued, if otherwise permissible, in accordance with law.

75. The present Petition, along with all pending Application(s), if

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any, stands disposed of in the aforesaid terms.

**HARISH VAIDYANATHAN SHANKAR, J**

**OCTOBER 28, 2026/DJ**

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