

**Phool Singh and ors. Vs. Union of India (Uoi) and ors.**

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**Court :** Delhi

**Decided On :** Jul-25-2006

**Reported in :** 2006(91)DRJ727

**Judge :** Mukul Mudgal and; S. Muralidhar, JJ.

**Acts :** [Land Acquisition Act, 1894](#) - Sections 4, 5A, 6, 9, 10, 11, 17(3-A), 18, 30 and 31; [Constitution of India](#) - Article 226

**Appeal No. :** WP (C) 2608-16/2004 and CM(M) No. 356/2003

**Appellant :** Phool Singh and ors.;delhi Transco Ltd.

**Respondent :** Union of India (Uoi) and ors.;attar Singh and ors.

**Advocate for Def. :** Tabrez Alam for Respondent Nos. 2 and 3, ; Sanjay Poddar for Respondent No. 4/LAC and ;

**Advocate for Pet/Ap. :** L.B. Rai, Adv. in WP(C) 6683 and 7361/2003, WP (C) 1688-1714 and 2608-16 and 7207-16/2004,; S.K. Dubey,

**Disposition :** Petition dismissed

**Judgement :**

**S. Muralidhar, J.**

Writ Petition (Civil) No. 2608-16/2004 2608-16/2004

1. This writ petition, filed on 19.2.2004 by 9 petitioners, all claiming to be residents of Village Usmanpur, Delhi, seeks the following reliefs:

(a) Pass an appropriate writ order or direction for quashing/setting aside the notification No. F.9(1)/89/L&B;/LA/I dated 23.06.1989 under Section 4 and notification No. F-9(1)89/L&B;/LA/II dated 20.06.1990 issued under Section 6 and 17(1) of the Land Acquisition Act in respect of the land of petitioners.

(b) Pass an appropriate writ order or direction whereby declaring that the acquisition proceeding initiated by the respondent has lapsed in the absence of the award and also for not complying with the provisions of Section 17(3-A) and 31 of the Land Acquisition Act.

(c) Pass an appropriate writ order or direction whereby directing the respondents for releasing the land of the petitioners situated in Khasra Nos. 126/3 Min of Village Ghonda Gujran Khadar, Ilaka-Shahdara, Delhi comprised of approximately 35 Bighas land.

2. The petitioners state that they are poor farmers of Village Ghonda Gujran Khadar, Delhi and are recorded owners of lands, the total area of which is to the extent of 35 bighas. A notification under Section 4 of the [Land Acquisition Act, 1894](#) (hereinafter referred to as the 'Act') was issued on 23.6.1989 proposing to acquire the petitioners' lands for the public purpose of the channelisation of the Yamuna River. This was followed by a notification under Sections 6 and 17(1) of the Act on 19.6.1990. The petition asserts in para 4 as follows:

In this case declaration under Section 6 of the Land Acquisition Act was made on 19.6.1990 but till date no award is made. Since respondent has not made award within the stipulated period of two years so entire acquisition proceedings has lapsed.

3. Further in para 12, the following assertion is made:

That the respondents have not made award in respect of the land of the petitioners. The respondents are illegally and arbitrarily trying to take possession of the land without making award.

4. In para 16 of the writ petition, it is mentioned that one resident of the same village had filed a suit for injunction against the respondents and obtained a status quo order on 19.4.1995. It is stated that the learned Additional District Judge while passing the said status quo order observed that there was no award in respect of the land. In the grounds in the writ petition it was repeatedly asserted that the entire land acquisition proceedings had lapsed because no award had been made in respect of the lands in question. It is also asserted that since no notice under Section 9 and 10 was issued to the petitioners, the acquisition proceedings were liable to be quashed.

5. At the hearing of the petition on 1.3.2004 counsel for the DDA sought time for instructions on whether any award was made in respect of the land under acquisition. On 3.3.2004, counsel for the DDA informed the Court that she had not been able to get complete instructions in the matter but as per oral instructions the award in respect of the subject land was not traceable. After recording this statement the Court directed the issuance of notice to the respondents and directed that the parties would maintain status quo in respect of the nature, title and possession of the subject property.

6. At the hearing on 19.5.2004, the Court was informed in a reply filed by the Land Acquisition Collector (LAC) that an Award No. A-92/93 was announced on 19.6.1992 in respect of the subject land but the same is not traceable though the Award register is available with the Department. The Court directed the respondents to produce the Award register along with the requisite approval under Section 11 of the Act, if available.

7. In the affidavit dated 18.5.2004 filed by the LAC (North-East) the details of the steps taken to trace out the missing file were given. It was pointed out that in the year 1997, the Office of the Deputy Commissioner, Delhi had been divided into 9 districts and the records which had been kept in one place, were transferred to 9 different units. The fact that an award had been made in respect of the lands in question came to the notice of the LAC only in 1999 and although the copy of the award was not available, a summary of the award had been traced out. The summary of the award was enclosed to the affidavit. This affidavit further stated

that the Naksha Muntazamin, i.e., apportionment of compensation, has been finalized on the basis of the summary of the award which had been approved by the Divisional Commissioner on 17.5.2004 and that a demand letter had been sent to the DDA on 17.5.2004 itself through the Land & Building Department requesting the release of the compensation money as per the award Naksha Muntazamin. It was stated that the possession of the land has not been taken by the Respondent and the same is still in possession of the petitioners.

8. Another affidavit was filed by the LAC on 20.9.2004 and in para 9 of this affidavit it was stated that petitioner Nos. 1 and 2 in the present case, i.e., Mr. Phool Singh and Mr. Prem Singh respectively had made an application to the LAC on 30.7.1992 for making a reference under Section 18 of the Act. A copy of the application made by these two petitioners was also annexed to this counter affidavit. Accordingly it was submitted that the petitioners had wrongly contended that there was no award in respect of the acquired land and that they were fully aware of the existence of the award when they have moved this application for a reference under Section 18 of the Act. The aforementioned application made by the petitioner Nos. 1 and 2 herein for a reference under Section 18 of the Act before the LAC indicates the award number and the date.

9. Further, in ground VII of the said application, it is stated thus:

That the Land Acquisition Collector has wrongly and illegally apportioned the amount of compensation and the petitioners are the only entitled persons for the entire amount of compensation being Bhumidars/in possession.

The said application also put forth the grievance of the petitioners that the compensation amount assessed by the L.A.C. is most inadequate, not at all fair, true and reasonable market value of the aforesaid land of the petitioners. Accordingly in the application it was prayed that the compensation should be fixed for the claimants' land at Rs. 20 lakhs per bigha (Rs. 2000/- per sq. yd.) instead of Rs. 2 lakh per bigha (Rs. 200 per sq. yd.).

10. A rejoinder to the affidavit dated 18.5.2004 was filed by the petitioners, in which they asserted that there was no such award; that the respondents have

given an artificial number of the award and that the document annexed was cooked up. However, no rejoinder was filed to the second affidavit dated 20.9.2004 in which a mention was made about the petitioner Nos. 1 and 2 having filed an application before LAC seeking reference for enhanced compensation under Section 18 of the Act.

11. On 12.5.2005 this Hon'ble Court passed a very detailed order where this Court expressed its displeasure at the manner in which public records and public funds were being dealt with. The Court required the respondents to indicate on affidavit what steps have been taken since 1989 to take possession of the land, why no vigilance enquiry was conducted, why petitions filed by the Petitioners under Section 18 of the Act were not referred to the Court of competent jurisdiction and what steps were taken by the concerned officers from 19.6.1992 when the Award was stated to have been announced till the year 2000 in relation to payment of compensation to the owners of the land and other ancillary matters including taking of possession of land.

12. In compliance with the above order, an affidavit dated 12.5.2005 was filed by the Secretary (Revenue/Divisional Commissioner), Government of NCT of Delhi on 22.5.2005 indicating the various steps taken. The fact of the reconstruction of the Award file, the summary of the award, Naksha Muntazamin, Khasra Khatauni, Girdawari, Aks-Shijra, which were the documents relevant for the making of the award, was mentioned. In para 20 it was stated that pursuant to the award, a large number of reference petitions, including the petitions filed by the petitioner Nos. 1 and 2 herein, had been filed. The reference petition filed by these two petitioners was again annexed and it was stated that perjury proceedings are liable to be initiated as they were fully aware of the award and had challenged the same but had made incorrect averments to the Court. An affidavit dated 25.5.2005 was also filed by Shri R.K. Vats, Commissioner (Land Management), DDA wherein in para 5 a reference was again made to the fact that the petitioner Nos. 1 and 2 herein had themselves filed a reference petition under Section 18 of the Act mentioning the award number and date.

13. Interestingly in a rejoinder to the affidavit dated 12.5.2005 of the Secretary (Revenue/Divisional Commissioner), GNCT of Delhi and in particular reference to para 20 of that affidavit, this was what was stated by the petitioners:

That the contents of para No. 2 of the affidavit are wrong and denied. It is vehemently denied that a large number of reference petitions were filed. Only two persons have filed and that too under wrong impression. Rest of the contents of para under reply are wrong and denied.

14. The position that emerges from the above narration appears to be that the petitioners herein, led by petitioner Nos. 1 and 2 who filed the present petition in 2004, asserting repeatedly that there was no award in respect of the lands in question, willfully suppressed the material fact that two of them, petitioner Nos. 1 and 2 had in fact filed reference petitions under Section 18 of the Act seeking enhanced compensation and in which petition they mentioned both the award number and date. Thus the concealment of this fact is deliberate and misleading. The affidavit in support of the petition has been sworn to by the petitioner No. 1, Shri Phool Singh in which he says that the contents of the writ petition are true and correct to my knowledge and nothing which is material has been concealed there from

15. After repeated affidavits were filed by the respondents, pointing out the fact that the petitioners had in fact filed a reference petition under Section 18 of the Act mentioning the award number and date, the only response of the petitioners was that only two persons had filed such petitions and that too under wrong impression. Interestingly the affidavit in support of this rejoinder is also sworn to by Phool Singh himself. To say the least the conduct of the petitioner Nos.1 and 2 is most reprehensible. They have clearly suppressed material facts and not come to the Court with clean hands. The entire basis of their petition, that there was no award made at all, is falsified by the very fact that petitioner Nos.1 and 2 themselves filed a reference petition under Section 18 of the Act not only clearly mentioning the award number and date, but also assailing the contents of the award as regards the apportionment and quantum of compensation. This reference petition could definitely not have been filed unless the petitioner Nos.1

and 2 were aware of not only the existence of the award but were also aware of the contents of the award. The principal plea in the writ petition is, therefore, palpably false. This by itself is sufficient to reject these writ petitions. Petitioners 3 to 9 who have jointly filed this petition with petitioners 1 and 2, by not disassociating from their co-petitioners, have to suffer the same consequence,

16. The other disturbing feature of these matters emerges from the facts of W.P. (C) No. 6683/2003.

Writ Petition (Civil) No. 6683/2003

17. This petition is filed by 5 petitioners, S/Shri Attar Singh, Anand Singh, Balraj Singh, Azad Singh and Smt. Kanta seeking more or less the same reliefs as sought by the writ petition filed by Phool Singh and others. Of these petitioners, Attar Singh, Anand Singh, Balraj Singh and Azad Singh, along with two others, Diwan Singh and Kanwar Singh filed a Civil Suit No. 626 of 1992 on 3.7.1992 in the Court of Senior Sub Judge, Delhi praying for a decree of permanent injunction against the Municipal Corporation of Delhi and the Delhi Electric Supply Undertaking for a decree of permanent injunction against the said defendants from interfering with the possession of the land owned by these petitioners. The land in question is admittedly entirely covered by the acquisition notification referred to hereinabove. That acquisition notification, as already noticed, and as stated in the writ petition of Attar Singh himself was issued on 23.6.1989 and a Section 6 declaration was issued on 20.6.1990. An award was made on 19.6.1992. Nevertheless in para 5 of the plaint dated 3.7.1992, the following statement was made:

That since the death of their father the plaintiffs are in actual physical and cultivatory possession of the land disputes without any disturbance for any corner nor the said land of plaintiffs has over been acquired by the Govt. So far under any provision of law for the time being in force.

18. In fact by this time, i.e., 3.7.1992 the land acquisition proceedings, as noticed above, were well underway in respect of these very lands. The assertion made in the plaint was, therefore, contrary to the record and on the basis of this assertion,

the learned Additional District Judge on 19.4.1995 was led to pass a status quo order. Interestingly, it is this order in respect of the lands in Khasra No. 239/1 (measuring 5 bigha 1 Biswas), which has been referred to by Phool Singh and others in para 16 of their writ petition. All these persons are residents of the same village, and it is clear that they were aware not only of what was happening but also of the the legal consequences. Their repeated false assertions either that there were no land acquisition proceedings or there was no award has to be viewed in this background. The said status quo order came to be confirmed on 9.2.2000. Pursuant to the orders of this Court, the entire record of the suit titled Attar Singh and Ors. v. MCD and Ors. has been received in this Court. It appears that the above said suit No. 626/1992 was re-numbered as suit No. 623/99 and then as 123/03/99. The contempt petition filed by the plaintiffs alleging violation of the status quo dated 9.2.2000 was numbered as contempt petition No. 20/3/01.

19. The false statements made in the plaint and the consequential order may not have come to light, had the Delhi Transco Limited (DTL) not come into the picture. The DTL had been commissioned to establish a sub-station on a portion of the land in question for the purpose of commissioning the Delhi Metro Rail Project. It appears that the lands which had been handed over to the DDA, were in turn handed over to the Delhi Electric Supply Undertaking on 5.6.1999 for construction of a 220 KV sub-station. Thereafter the Delhi Electric Supply Undertaking/Delhi Vidyut Board was re-constituted as Delhi Transco Limited (DTL) and accordingly DTL has been pursuing these proceedings. It has been brought on record that on one portion of the land in Khasra No. 239/1 being 3130 sq. yds., although DTL had obtained possession, it could not proceed to do anything on that portion of the land in question on account of the said status quo order. It accordingly moved an application before the learned Civil Judge for vacation of the status quo order pointing out that no suit could have been filed in respect of the lands under the acquisition and in respect of which the award had already been passed. With this move not helping in vacating the status quo order the DTL filed a Civil Miscellaneous (Main) No. 356 of 2003 in this Court praying that the status quo order passed by the learned Civil Judge on 9.2.2000 be vacated so that the DTL could proceed to construct the sub-station for the purposes of the Metro.

20. The respondents to this petition were Attar Singh and others and in their reply, they kept asserting that there was no award in respect of the lands in question. It was asserted that the status quo order which had been confirmed by the Civil Judge on 9.2.2000 had become final and that the remedy lay in filing an appeal. They further contended that the status quo order had been violated by the DTL erecting an electric sub-station, and in respect of which a contempt petition had been filed by Attar Singh and others.

21. At the hearing on 16.3.2006, this Court passed an order calling for the record of the suit filed by Attar Singh as well as the contempt proceedings.

22. Thus in the Attar Singh petition we came across yet another instance of subversion of the process of law in respect of the very same land acquisition proceedings. Here, another set of land owners have, by suppressing vital facts, frustrated the land acquisition proceedings, obtained a status quo order from the Civil Court and thwarted the public purpose of erection of an electric sub-station for the purposes of the Delhi Metro Project. Had the DTL not come into the picture these additional set of facts would not have come into the light at all. The other petitions, i.e., Writ Petition (C) No. 7361/2003 by Shri Nain Singh and Ors.; Writ Petition (C) No. 1688-1714/04 by Shri Dharamveer Singh and Ors., Writ Petition (C) 7207-16/2004 by Rattan Singh & others also arising from the same notification, are also based on the same plea of no award in respect of the lands in question. They do not require to be separately dealt with since their challenge to the land acquisition proceedings is premised on identical grounds.

Submissions of counsel:

23. We have heard the arguments of all the counsel for the various parties at length. Mr. L.B. Rai, learned Advocate for the petitioners in all these matters made a strenuous attempt to contend that there was no award at all. When confronted with the copies of the reference petitions filed by Phool Singh and Prem Singh, petitioner Nos.1 and 2 in Writ Petition (Civil) No. 2608-14/2004 2608-14/2004 , the only reply was that, that could not bind the petitioners. We are not at all satisfied with the reply given in the rejoinder by the petitioners or before us. We are dismayed that there has been a deliberate concealment of a vital fact and this is

sufficient to knock out the very basis of the petitions before us. Mr. Rai also was in great difficulty in trying to explain in how Shri Attar Singh and others, for whom he also appears, could possibly have made a false statement in their plaint in civil suit No. 26 of 1992 filed on 3.7.1992 that there were no land acquisition proceedings in respect of the lands in question when in fact the award had already been made by the LAC, i.e., on 19.6.1992.

24. Mr. Rai then contended that even if there was an award, then it was required to be set aside for violation of Sections 9 and 10 of the Act as no notices have been served on any of these petitioners. For more reason than one, we are not prepared to accept this plea. The petitioners cannot in the same breath assert that there is no award at all and then, when that plea is found to be false, turn around and contend that the award is invalid for violations of Sections 9 and 10 of the Act. Secondly, the petitioners cannot possibly come to this Court in 2004, i.e., 12 years after making of the award and say that the award is bad for non-issuance of notices under Sections 9 and 10 of the Act. The plea is certainly hit by laches. Thirdly, the reference petitions under Section 18 have been made and some of the petitioners have claimed for enhanced compensation. therefore, if they are entitled to enhanced compensation that plea would be considered in accordance with law. Fourthly, the contention of these petitioners in repeatedly making false assertions and concealing facts, should in our view, disentitle them to any relief whatsoever in these proceedings under Article 226 of the Constitution. Although the proposition is well settled, we may only refer to the judgment of the Hon'ble Supreme Court in *Ramjas Foundation v. Union of India* : AIR 1993 SC852 where it was stressed that a person invoking an equitable extraordinary jurisdiction of the Court under Article 226 is required to come with clean hands and should not conceal the material facts.

25. The Court in that case in *Ramjas Foundation* (supra) also referred to the observations made in *Aflatoon v. Lt. Governor, Delhi* : [1975]1SCR802 @ 291 in para 11 to the following effect:

Nor do we think that the petitioners in the writ petitions should be allowed to raise this plea in view of their conduct in not challenging the validity of the notification

even after the publication of the declaration under Section 6 in 1966. Of the two writ petitions, one is filed by one of the appellants. There was apparently no reason why the writ petitioners should have waited till 1972 to come to this Court for challenging the validity of the notification issued in 1959 on the ground that the particulars of the public purpose were not specified. A valid notification under Section 4 is a sine qua non for initiation of proceedings for acquisition of property. To have sat on the fence and allowed the Government to complete the acquisition proceedings on the basis that the notification under Section 4 and the declaration under Section 6 were valid and then to attack the notification on grounds which were available to them at the time when the notification was published would be putting a premium on dilatory tactics. The writ petitions are liable to be dismissed on the ground of laches and delay on the part of the petitioners (see *Tilokchand Motichand v. H. B. Munshi* and *Rabindranath Bose v. Union of India*).

The above observations are apposite to the facts on hand.

26. Counsel for the petitioners has also filed written submissions running into 17 pages enclosing certain judgments of this Hon'ble Court and of the Hon'ble Supreme Court in *Union of India v. Shakuntala Gupta* : AIR 2002 SC3079 . He has also referred to the judgment of the Hon'ble Supreme Court in *Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chennai* : AIR 2005 SC3520 . The 17 pages of written submissions reiterate that there is no award and that respondents have cooked up a story in this regard and that they had created office nothings. It is extremely unfortunate that these reckless allegations have been made in the written submissions without any basis and without even a whisper of an Explanationn, which we repeatedly asked for during arguments, for the willful suppression of the material facts by the two sets of petitioners, as referred to hereinabove. As regards, the judgment of the Hon'ble Supreme Court in *Union of India v. Shakuntala Gupta* (supra), the facts in that case were entirely different and in our view the judgment has no application to the instant cases. As regards the judgment in *Hindustan Petroleum Corporation's case* (supra) we do not see how that case can come to the aid of the petitioners herein at all. That case concerned the objections filed by the land owners under Section 5A of the Act and the Supreme Court explained the nature of consideration that such objections should

receive at the hands of the authorities. The only portion that might be relevant is para 26 of the said judgment where the Court has underscored the need for the authorities to take due care and caution in preserving the records in relation thereto a lis is pending before a court of law. On this aspect, we too would like to reiterate that the authorities must take care and caution to preserve the records. In the facts of the present case, however, since the award file has been reconstructed and steps taken to disburse compensation, as noted above, a few directions to expedite the process may be appropriate. We propose to do so later in this judgment. These proceedings at the behest of the petitioners are, to say the least, an abuse of the process of law and none of these petitioners is entitled to any relief whatsoever under Article 226 of the [Constitution of India](#).

27. Before we conclude, it must be observed that the conduct of the respondents in the maintenance of land acquisition records, as this case reveals, leaves much to be desired. It is indeed inconceivable that a copy of the award made on 19.6.1992 could not be traced although its existence is not in doubt. The original of the register in which the summary of the award is to be found, is shown to us. We have no doubt that an award was indeed made but for some reason the copy of the same could not be traced. Now we are informed that the award file, with the relevant documents, will be reconstructed and the respondents should assist in expediting the disbursement of compensation in accordance with law. It is indeed disturbing that for an award made more than 14 years ago, the disbursement of compensation to the land owners has not yet taken place. It is a matter of great concern that citizens whose lands are acquired are denied the compensation due to them for these long years.

28. From the affidavit of the Vice-Chairman, DDA filed before us on 29.5.2006, it appears that the land in Ghonda Gujran Khadar Village, was not part of the proceedings in respect of which certain writ petitions had been filed earlier in this Court and are now pending before the Hon'ble Supreme Court. Those petitions concern Phase I of the Channelisation of River Yamuna Scheme and the lands in respect of Village Ghonda Gujran Khadar is in the subsequent phase. There ought to be no legal impediment, therefore, in the DDA taking possession of the lands in respect of which these petitions have been filed in accordance with law with the

dismissal of these writ petitions, (except CM (M) 356/2003) and the vacation of all status quo orders which is what we proceed to do.

29. We are of the view that the LAC (North East) and the DDA must jointly conduct a detailed inquiry into the circumstances which led to the present position where the payment of compensation in respect of lands covered by an Award dated 19.6.1992 has yet not been made. We hope and trust that the DDA as well as the LAC (North East) will take this matter seriously and conduct their internal enquiries and fix the responsibility on the officers concerned within the period of three months from today. We also direct that the compensation to the land owners in respect of the Award dated 19.6.1992 should be disbursed expeditiously. In respect of those land owners who have not filed any reference petitions, the amount should be disbursed forthwith in terms of the Act and in respect of those who have filed reference petitions under Section 18 of the Act or where the case has been referred to the Civil Court under Sections 30 and 31 of the Act, the DDA will take efforts to expedite those proceedings and ensure that the compensation is paid at the very earliest and in any event not later than six months from today. Separate reports by the DDA and the LAC (North East) in compliance with the above directions shall be filed in this Court within three months.

30. We may also advert to another aspect of the matter. This relates to the preservation of records. The DDA and the LAC, may indicate in their compliance reports to this Court any suggestions they may have in this regard after reviewing the status of computerisation of the land acquisition records. We are aware that a detailed set of instructions had been issued pursuant to an order dated 28.4.2005 passed by this Court in WP (C) 1161/88. We would like these authorities to indicate to this Court whether, with the availability of improved methods of preservation of electronic records, if it would be possible to have every award made by an LAC, digitally signed and preserved, in addition to the hard copies in a tamper proof electronic format. Ideally, all these records which would include the maps, survey/inspection reports, notifications, orders in relation to an acquisition proceedings should be preserved in electronic folders and placed in a tamper proof environment both on a website as well as in discs. These are broad suggestions which these authorities can reflect upon and come up with improved

practical suggestions so that instances as witnessed in the present case can be avoided in future.

31. We accordingly pass the following orders and directions in each of the writ petitions as under:

Writ Petition (Civil) No. 2608-14/2004 2608-14/2004

The writ petition is dismissed. Considering the fact that the compensation has yet to be paid in these cases, we refrain from imposing costs on the petitioners. The order of status quo dated March 3, 2004 and all other interim orders consequently stand vacated. The respondents will now proceed in accordance with law to ensure that all further steps under the Act are taken forthwith.

Writ Petition (Civil) No. 6683/2003

The writ petition is dismissed. Considering the fact that the compensation has yet to be paid in these cases, we refrain from imposing costs on the petitioners. All interim orders stand vacated. Respondents will now proceed in accordance with law to ensure that all further steps under the Act are taken forthwith.

Writ Petition (Civil) No. 7361/2003

The writ petition is dismissed. The order of status quo dated May 19, 2004 stands vacated. Respondents will now proceed in accordance with law to ensure that all further steps under the Act are taken forthwith.

Writ Petition (C) No. 1688-1714/04

The writ petition is dismissed. The order of status quo dated February 6, 2004 stands vacated. Respondents will now proceed in accordance with law to ensure that all further steps under the Act are taken forthwith.

Writ Petition (C) 7207-16/2004

The writ petition is dismissed. The order of status quo dated May 11, 2004 stands vacated. Respondents will now proceed in accordance with law to ensure that all

further steps under the Act are taken forthwith.

CM (M) No. 356/2003

The petition is allowed. The status quo order dated 9.2.2000 passed by the learned Civil Judge in Civil Suit No. 623/1999 [old suit No. 626/92/Main Suit No. 123/03/99] titled Attar Singh and Ors. v. MCD is vacated. In view of the lands in question being subject matter of land acquisition award, the learned Civil Judge does not have the jurisdiction to try the said Suit No. 623/1999 and it is accordingly withdrawn to this Court and dismissed as such. It is directed that the petitioner, Delhi Transco Limited is now free to proceed to construct sub-station on the land in question, which we are informed is already in its possession. Contempt proceedings in M-53/06/01 (old M-18/03/01) titled Attar Singh v. MCD/DESU and any other contempt petition arising from these proceedings initiated by the respondents for alleged violation of the status quo order dated 9.2.2000 are hereby dropped. Any orders made in such proceedings stand vacated, and the said contempt petitions are closed.

32. We direct that the LAC (North-East) and the Vice-Chairman, DDA will file separate reports of compliance of the directions, we have issued in Paras 29 and 30 hereinabove in this Court within a period of three months from today.

33. With these directions, the writ petitions are dismissed, and CM (M) 356/2003 is allowed.

34. It is directed that a copy of this judgment be sent to the Chief Secretary, Govt. of NCT of Delhi for considering the appropriate action in accordance with the directions given hereinabove.

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