

(2007) 07 DEL CK 0039

In the Delhi High Court

Case No : Writ Petition (C) 3042 of 2000 and CM No. 15976 of 2005

Goswamy Brij Kumar Jee

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 03-07-2007

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 195(1), 196, 199, 340, 463
Displaced Persons (Compensation and Rehabilitation) Act, 1954 — Section 12
Land Acquisition Act, 1894 — Section 10, 11, 4, 4(1), 48

Citation : (2007) 97 DRJ 223

Hon'ble Judges : Vikramajit Sen, J; J.P. Singh, J

Bench : Division Bench

Advocate : Ravindra Sethi and Ravi Kant Chadha, Sumit Bansal and Manshi Chadha, for the Appellant; Sanjay Poddar, St. Counsel, LAC and Gaurav Sarin, St. Counsel, DDA, for the Respondent

Final Decision : Dismissed

Judgement

J.P. Singh, J.—In this Writ Petition under Article 226 of the Constitution of India it is prayed that the Notification dated 4.8.1967 u/s 4, Declaration dated 20.11.1967 u/s 6 of the Land Acquisition Act and the Award No. 12/83-84 dated 17.6.1983 in respect of property No. 8, Raj Niwas Marg (Ludlow Castle Road), Delhi be quashed and the possession which was taken in May, 2000 be restored to the Petitioner. Corrigendum dated 27.10.1967 is also challenged and de-notification u/s 48 of the Land Acquisition Act is prayed for.

2. The Petition has been filed through attorney, by son of Late Goswami Brij Bhushan Lal Jee Maharaj. It is alleged that on 27.8.1931 the property in question was purchased by the father of the Petitioner, for the temple, from Sh. Hari Narain and Sh. Laxmi Narain for a total sale consideration of Rs. 14,148.08p vide a Registered conveyance deed.

3. Details regarding decree of a suit against Sh. B.Nand Kishore @ Nandu Babu;

the consequential public auction of 8 Ludlow Castle Road (Now Raj Niwas Marg), Civil Lines, Delhi; sale by his successors namely Sh. Hari Narain and Sh. Laxmi Narain and how the property was got released from attachment and sold in favor of the Petitioner's father, vide registered Conveyance Deed dated 27.8.1931 are given in paragraphs 3A to 3L of the amended Petition.

4. It is alleged that idol of Lord Krishna was "established". The construction was to be raised for religious and charitable use but the land was trespassed by unauthorized occupants and land mafia. It is pleaded that there are many other big and small temples under the management of the institution Therefore strict vigil could not be kept on the land and it fell into the hands of land grabbers. However, the land was mutated in Municipal records in the name of the Petitioner's father. Despite complaints to the Municipal authorities the trespassers could not be removed. It is alleged that in May, 1948 it was declared as an evacuee property, which was an unlawful act and in the same year one Mohd. Ahmad and Mohd. Arfin claimed to be the owners of the land and challenged the notification regarding declaration as evacuee property. In 1955 it was declared as public property u/s 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954. On 24.12.1956 one Zubeda Begum Gostley claimed to be the owner of the land by virtue of an oral gift deed by erstwhile Muslim owners and challenged the proceedings regarding it being declared as an evacuee property in the court. The said suit was dismissed on 18.1.2000.

5. It is averred that on 4.8.1967 a Notification was issued u/s 4 of the Land Acquisition Act, but notice was not served upon the Petitioner or the erstwhile owners. On 27.10.1967 a corrigendum was issued to explain that the khasra number was not 417 but 471. On 20.11.1967 Declaration u/s 6 of the Land Acquisition Act was issued and on 17.6.1983 Award No. 12/83-84 was passed for the land measuring 19 bigha 8 bids was with compensation at the rate of Rs. 50,000/- per bigha. On 1-2.5.2000 possession of land was taken by demolishing the illegal structures and dispossessing the illegal occupants from the property. On 10.5.2000 the Petitioner gave representation to various authorities that he was the owner by virtue of the conveyance deed dated 27.8.1931 mentioned above and claimed possession.

6. It is explained as to how the Petitioner was corresponding with the then notified area committee in regard to the plumbing work on the land in question. In some of the documents filed by the Petitioner, Rai Bahadur Lala Amba Prasad is stated to be the owner. The Petitioner submits that Rai Bahadur Lala Amba Prasad was acting on behalf of the Petitioner's father. However there is no documentary proof of the same.

7. In the Counter Affidavit preliminary objections have been raised that since the possession had already been taken on 1.5.2000 and demolition had been carried out, the Writ Petition was not maintainable. Secondly, the land is required by PWD for constructing Government Staff Quarters and that there was no mutation in favor of the Petitioner.

8. It is submitted that the present litigation is on behalf of Zubeda Begum and her purported representatives namely Mr. R.S. Yadav and Mr. Vasdev Khatter who are really behind the present Petition. It is averred that the Writ Petition is barred by laches and delay because it has been filed after about 33 years from the date of notification and has been filed about 70 years from the date of alleged purchase of the property.

9. It is submitted that as per records late Hari Narain and Laxmi Narain from whom the Petitioner claims to have purchased the property are not the owners. It is further submitted that the alleged conveyance deed was never brought to the notice of the revenue authorities for mutation nor was produced before the Land Acquisition Collector during the acquisition proceedings or later on even till the possession was taken and Therefore the petitioner has no locus standi to file the Petition. It is stated that the petitioner was never in possession of the property. It is submitted that a stay was granted in the Civil Suit filed by Zubeda Begum and Therefore the pronouncement of the Award was delayed. After the stay was vacated the Award was announced on 17.6.1983. Taking over of possession was delayed because of the civil suit by Mst. Zubeda Begum.

10. It is submitted that Mohd. Ahmad and Mohd. Arfin were the original owners and they had sold the property in the year 1943 to Mohd. Swahleen and Mohd. Ahmad and their names were entered the records of the notified area committee and that the Petitioner has tampered, obliterated and erased column No. 1 of entry No. 257 in the Assessment Register for the year 1947 and that the Petitioner should be proceeded against for forgery, fabrication and perjury. All other factual averments are denied. These are the salient facts as per the pleadings of the parties.

11. Learned Counsel for the Petitioner has argued on the foundation that Petitioner is the owner of the land in question by means of the Registered sale deed dated 27.8.1931.

12. It is further submitted that since the Petitioner could not keep proper vigil on the property, the same was occupied by trespassers and land mafia. The property was, however, declared as evacuee property in the year 1948. Then it was declared as a public premises and then in 1967 a Notification dated 4.8.1967 u/s 4 of the Land Acquisition Act was issued. However, on 27.10.1967 a corrigendum was issued correcting that the khasra No. was 471 and not 417 and on 20.11.1967 the Declaration u/s 6 was issued. It is argued that all this was illegal and in violation of the statute and the Declaration and the passing of Award on 17.6.1983 was also not in accordance with law. Finally the possession could not have been taken on 1/2.5.2000. It is submitted that on 10.5.2000 the Petitioner filed a representation before the Lt. Governor. The grievance of the Petitioner is that he was never informed about what was happening to his property and he ought to have been given notices. It is submitted that the entire acquisition proceedings were against the law and in violation of the Constitution of India, Therefore all the proceedings should be quashed, acquisition should be

de-notified and the property should be restored to him.

13. As against this learned Counsel for the Respondents have vehemently argued that the Petition is malafide and has been initiated at the instance of Mr. Vasdev Khatter who was unauthorized occupant on the land and had lost all the cases.

14. Learned Counsel for the Respondent-LAC then straightaway invited our attention to some of the documents attached with the Petition and with the Counter Affidavit of the Respondents and has also shown us the originals. Annexure R-1 is copy which shows the name of the owner and address of the owner as Goswami Brij Bhushan Lal Ji (father of the Petitioner) in the Assessment Register of the notified area Committee, for the year 1947, but in the original there is also name of Mohd. Sadiq, Mohd. Swahleen and Mohd. Ahmad. In the remarks column of the original it is stated that the names of these three persons had been entered vide Secretary's order dated 7.9.1943 on the application of Mohd. Swahleen and Mohd. Ahmad. There is a note that Mohd. Sadiq had sold his 1/3rd Share to Mohd. Swahleen and Mohd. Ahmad. The owners are Mohd. Swahleen and Mohd. Ahmad, which means that as per the Assessment Register Goswami Brij Bhushan Lal Ji was no longer the owner in the year 1947 as per original of the Assessment Register but as per prima facie fabricated copies filed by the Petitioner, he is the owner. This point was raised at the outset with a request to take into custody the attorney of the Petitioner, who was present in the court and briefing the learned counsel. The attorney immediately slipped out. We did not restrain him because we had till then not formed any firm opinion about the fabrication of documents.

15. As regards the contentions regarding the legality and validity of the Notification dated 4.8.1967 u/s 4 of the Land Acquisition Act, Corrigendum dated 27.10.1967, Declaration dated 20.11.1967 u/s 6 of the Land Acquisition Act and the Award dated 17.6.1983, the learned Counsel has read out the Award in the court to show that all the points being raised on behalf of the Petitioner already stand decided and cannot be re-agitated over and over again by different persons under different garbs.

16. We are reproducing hereunder para-1 of the Award:

AWARD No. 12/83-84

NAME OF VILLAGE/LOCALITY - 8, LUDLOW CASTLE ROAD

NATURE OF ACQUISITION - PERMANENT

PURPOSE OF ACQUISITION - PLANNED DEVELOPMENT OF DELHI AWARD

These proceedings relate to acquisition of land u/s 11 of the Land Acquisition Act. Premises known as No. 8, Ludlow Castle Road, bearing Khasra No. 471 of Village Civil Station measuring 19 bigha 08 bids was notified u/s 4 of the Land Acquisition Act vide notification No. F15(63)/62-LSG/L&H dated 4.8.1967 for a public purpose, namely for Planned Development of Delhi. A Corrigendum was

issued u/s 4 vide notification of even number dated 27.10.1967 as regard to correctness of Khasara No. i.e., Khasara No. 417 may be read as Khasara No. 471. After considering the report u/s 5-A, Delhi Admn. issued a declaration u/s 6 of the L.A. Act vide notification No. F15(63)/62-L&H dated 20.11.1967 for the acquisition of above premises comprising an area of 19 bigha 08 biswa. Notices u/s 9 & 10 were issued to all interested persons therein to file their claim which are discussed hereinafter under the heading "Compensation Claims" Smt. Zubeda Begum and Shri Vasdev Khatter person interested had filed CWP No. 236/68 & 237/68 in Delhi High Court challenging the validity of notification u/s 4 & 6 of the L.A. Act as well as the validity of issuance of corrigendum dated 27.10.1967 regarding the correctness of Khasara No. The said Writs were dismissed by the Hon'ble High Court of Delhi on 8.4.1970. Shri Vasdev Khatter again filed LPA No. 73/70 against the decision of High Court of Delhi which was also dismissed on 18.12.1970, and the order of the High Court dated 8.4.1970 was affirmed. But Shri Vasdev Khatter again filed CWP No. 278/70 in Delhi High Court challenging the validity of notification u/s 4 & 6 pertaining to above premises. The Hon'ble High Court of Delhi was pleased to dismiss the same on 11.5.1971. Besides above, a civil suit No. 560/79 - Smt. Zubeda Begum v. UOI is pending before the Sub Judge, 1st Class, Delhi where stay of dispossession is granted till the disposal of application.

17. In the Award on its page-2 Sh. Vasdev Khatter resident of 8, Ludlow Castle Road, Delhi is shown at Srl. No. 1. In the compensation claims and evidence column, it is mentioned that he has not demanded compensation but stated that a stay was granted in CR No. 350-D/64 titled Smt. Zubeda Begum v. UOI and that there was also a stay in CWP Nos. 236/1968 & 237/1968. Other 26 occupants had also made similar statements but they filed no evidence inspire of opportunity given by the Land Acquisition Collector.

18. This is surprising that the Petitioner who claims to be the owner since 1931 remained totally oblivious and ignorant of what was happening on the land which stood occupied in the records by as many as 26 persons and he did not take any step to oust them nor did he take any steps to become even a party in the several pending litigations.

19. We have also gone through the Judgment dated 8.4.1970 passed by the learned Single Judge of this Court in W.P. No. 236 of 1968 titled Zubeda Begum v. Lt. Governor and Ors. and W.P No. 237 of 1968 titled Vasdev Khatter v. Lt. Governor and Ors. In the said judgment all the pleas of Mst. Zubeda Begum and Mr. Vasdev Khatter were dismissed. LPA No. 73/70 titled Vasdev Khatter v. Lt. Governor and Ors. against the said judgment was dismissed by DB of this Court on 18.12.1970.

20. The learned Single Judge has discussed all the questions that have been raised in the present Petition viz., the Notification issued u/s 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 on this point the learned Single has relied upon the judgment titled collector of The Collector of Bombay

Vs. Nusserwanji Rattanji Mistri and Others, where it is held as under:

When the Government acquires land under the provisions of the Land Acquisition Act, it must be for a public purpose, and with a view to put them to that purpose, the Government acquires the sum total of all private interests subsisting in them. If the Government has itself an interest in the land, it has only to acquire the other interest outstanding therein, so that it might be in a position to pass it on absolutely for public user....

It is Therefore, clear that if Zubeda Begum, in this case, claimed any rights in the property in question inspire of the notification u/s 12 of the Displaced Persons (Compensation & Rehabilitation) Act the appropriate government could not proceed to put the property to the public use for which it was needed unless those rights were acquired and compensation for the same had been paid in accordance with law. It will not be out of place to mention here that a specific question was put to the learned Counsel for the petitioner during arguments if Zubeda Begum did not claim any right, title in this land but he was not able to disown her connection with the property and her claim to it and to state that she had no right, title or interest in the same. In these circumstances, I do not see any force in the contention that the property in question could not be acquired u/s 4 of the Land Acquisition Act because of the Notification issued u/s 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954....

21. The contentions about Planned Development and requirement of the land for the public purpose (i.e., construction of staff quarters) was also dealt with as under:

The submission that planned development of Delhi by itself was not a public purpose cannot now be taken seriously and needs no detailed consideration (See The Uttar Pradesh Samaj Co operative House Building Society Ltd. New Delhi v. Union of India and Ors. Civil Writ No. 846 of 1968, decided on April 15, 1969. In view of the facts stated in the counter-affidavit of the respondent in this case, for precisely the same reasons that prevailed with the Division Bench in C.W. 846 of 1968 supra, the Planned Development of Delhi, I think, was a public purpose of paramount importance and the appropriate government was fully justified in invoking it for purposes of acquisition in proper cases....

22. The pleas regarding the Notification u/s 4 being bad ab-initio because correct Khasra No. was not given and the requisite time of 30 days was also not given from the date of corrigendum on November 9, 1967 were extensively dealt with in the judgment and it was held as under:

The learned Counsel then contended that Section 4 notification was bad ab-initio because it did not give the correct khasra number of the property sought to be acquired (contention No. 4 above). As stated earlier, the property in question is situated in khasra No. 471, but in the notification u/s 4 even though its location was correctly described to be situated in Civil Station, Delhi and its area was also correctly given to be 19 bighas and 8 biswas, it was described to be situated in

Khasra No. 417. The learned Counsel urged that this error in the specification of khasra number vitiated the notification. After the issuance of Section 4 Notification a corrigendum dated November 9, 1967, copy specification of khasra number was corrected. But we find that even before the corrigendum was issued the petitioners had come to know that this was an error of description in the notification and that the notification in fact related to the property in question as they filed their objections u/s 5-A against the proposed acquisition. The question for decision Therefore is whether the mistake in the khasra number vitiated the notification. Section 4 of the Land Acquisition Act does not lay down that khasra number of the land sought to be acquired had necessarily to be specified in the Notification. see *Ram Sewak Vs. State of U.P. and Others*, . The notification even though a *sino-qua-non* for purposes of the proceedings under the Act is only a preliminary notification in the nature of a proposal of the Government to enable its officers authorized in this behalf to carry out the necessary survey etc. of the land sought to be acquired to ascertain whether it was suitable for the purpose for which it was proposed to be taken and to enable the appropriate Government, amongst others, to decide whether the final declaration u/s 6 of the Act should be made. Reference in this connection may be made to *Babu Barkya Thakur Vs. The State of Bombay and Others*, where it was held:

The purpose of the notification u/s 4 is to carry on a preliminary investigation with a view to finding out after necessary survey and taking of levels, and, if necessary, digging or boring into the sub-soil whether the land was adapted for the purpose for which it was sought to be acquired. It is only u/s 6 that a firm declaration has to be made by Government that land with proper description and area so as to be identifiable is needed for a public purpose or for a company. What was a mere proposal u/s 4 becomes the subject matter of a definite proceedings for acquisition under the Act.

Unless, Therefore, some prejudice is shown to have been caused to the persons interested in the land by an error of this kind in Section 4 notification the same cannot be held to be not in accordance with the provisions of the Act....

...It is thus not possible to sustain the submission that Section 4 notification issued in this case was vitiated as contended by the petitioners.

23. The above Single Bench Judgment was challenged by filing LPA No. 73/1970 by Vasdev Khatter but the same was dismissed by the DB of this Court on 18.12.1970.

24. In the above said Writ Petitions and the Letters Patent Appeal the notification dated 4.8.1967 u/s 4 of the LA Act, corrigendum dated 27.10.1967 and Notification dated 20.11.1967 u/s 6 of the Land Acquisition Act were challenged.

25. Exactly same is the challenge in the present Writ Petition which has been filed on 17.5.2000. The Petitioner wants to reagitate the questions which were decided and had become final in the year 1970. On top of it the Petitioner wants to rely on a document dated 27.8.1931 and at the same time admits that the

land was encroached upon by other persons. Obviously and evidently the Petitioner has woken up after about 60 years to start another round of litigation after all other unauthorized occupants and owners have lost the cases.

26. Needless to say that in this extraordinary long and mysterious silence of about 60 years the Petitioner has lost whatever right, title or interest he had in the property because admittedly he was not in possession of the property for the last more than 50 years.

27. On the aspect of delay it is well established that if there is inordinate and unexplained delay as in the present case a writ petition under Article 226 of the Constitution of India cannot be entertained. We may refer to a couple of judgments on this point.

28. *Municipal Corporation of Greater Bombay Vs. The Industrial Development Investment Co. Pvt Ltd., and others*, of the judgment are reproduced hereunder:

28. In *Ram Chand v. Union of India*, another Bench of three Judges of this Court had held that because of inordinate delay in approaching the court after the entire process of acquisition was over pursuant to notification u/s 4(1) and declaration u/s 6, the court was not justified in quashing the same. Same view was reiterated in *Bhoop Singh v. Union of India*, *Aflatoon v. Lt. Governor of Delhi*, *Indrapuri Griha Nirman Sahakari Samiti Ltd. v. State of Rajasthan*, *H.D. Vora v. State of Maharashtra* and *Girdharan Prasad Missir v. State of Bihar*.

29. It is thus well-settled law that when there is inordinate delay in filing the writ petition and when all steps taken in the acquisition proceeding have become final, the Court should be loath to quash the notifications. The High Court has, no doubt, discretionary powers under Article 226 of the Constitution to quash the notification u/s 4(1) and declaration u/s 6. But it should be exercised taking all relevant factors into pragmatic consideration. When the award was passed and possession was taken, the Court should not have exercised its power to quash the award which is a material factor to be taken into consideration before exercising the power under Article 226. The fact that no third party rights were created in the case is hardly a ground for interference. The Division Bench of the High Court was not right in interfering with the discretion exercised by the learned Single Judge dismissing the writ petition on the ground of laches.

29. Similar is the view in the judgment titled *M/s. Larsen and Toubro Ltd. Vs. State of Gujarat and Others*, wherein in para 21 the Hon"ble Supreme Court of India held as under:

21. This Court has repeatedly held that writ petition challenging the notifications issued under Sections 4 & 6 of the Act is liable to be dismissed on the ground of delay and laches if challenge is not made within a reasonable time. This Court has said that the petitioner cannot sit on the fence and allow the State to complete the acquisition proceedings on the basis that notification u/s 4 and the declaration u/s 6 were valid and then to attack the notifications on the grounds

which were available to him at the time when these were published as otherwise it would be putting a premium on dilatory tactics.

30. Learned Counsel for the Respondents have vehemently argued that this Petition is based on false and fabricated documents and the Petitioner succeeded in obtaining interim stay by making false statements and filing false documents and has delayed the implementation of the project for construction of government staff quarters and during these 7 years the cost of construction has escalated Therefore the Petitioner should be directed to pay the difference of cost of construction as damages to the Respondents and has cited the judgment titled Mahadeo Savlaram Shelke and Others Vs. Puna Municipal Corporation and Another, in support. The Hon"ble Supreme Court in similar circumstances has held as under:

5. Public purpose of removing traffic congestion was sought to be served by acquiring the building the widening the road. By orders of injunction, for 24 years the public purpose was delayed. As a consequence execution of the project has been delayed and the costs now stand mounted. The courts in the cases where injunctions are to be granted should necessarily consider the effect on public purpose thereof and also suitably mould the relief. In the event of the plaintiffs losing the suit ultimately, they should necessarily bear the consequences, namely, escalation of the cost or the damages the Corporation suffered on account of injunction issued by the courts. Appellate court had not adverted to any of the material aspects of the matter. Therefore, the High Court has rightly, though for different reasons, dissolved the order or ad interim injunction. Under these circumstances, in the event of the suit to be dismissed while disposing of the suit the trial court is directed to assess the damages and pass a decree for recovering the same at pro rata against the appellants.

31. Learned Counsel for the Respondents have submitted that after having exhausted all modes and all forums of litigation the trespassers and unauthorized occupants of the land have commenced this new round of litigation in the name of the Petitioner and as regards the Petitioner it is submitted that the Petitioner was sleeping over his rights from 1931 till 2000 i.e. for about 70 years because the Petitioner knew that he had no right, title or interest in the property and in any case he had practically abandoned the property and then transferred the same to Mohd. Sadiq, Mohd. Swahleen and Mohd. Ahmad, in whose names the property was mutated as per Municipal Records. We may mention that when the learned Counsel for the Respondents submitted that the original sale deed had not seen the light of the day till date, then a coloured photocopy, of only one page, of the certified copy of the sale deed was given to us in the Court. It is not understood as to why the other pages of the sale deed either copies or the originals were not given to the Court. This creates more doubt and suspicion and gives credence to the contentions of the Respondents that the property was sold in the year 1943 because either the original documents might have gone to the new vendees or on the last or first pages there may be some nothings about sale

of the property in 1943. That appears to be the reason why the original sale deed has not seen the light of the day and the Petitioner is trying to rely upon the certified copies only of the year 1931 and that too after about 70 years. In our view, the Petitioner cannot be allowed to turn the clock back after about 70 years and call upon the court to decide his title.

32. Considering all the facts and circumstances we are of the view that Mr. Kailash Nath Chaturvedi, the attorney of the Petitioner had filed page Nos. 40 and 41 (Annexure 2A) which contained entry No. 257 of the assessment register of the Notified Area Committee, Civil Station, Delhi, pertaining to the year 1947. These documents were filed in support of the contention that Goswami Brij Bhushan Lal Ji, father of the Petitioner was the owner as per the said assessment register. The Respondents have filed correct copies of the said pages at page Nos. 249 to 250 (volume II) (Annexure R-2) and has also shown the originals of those pages in the Court which prima facie leave no doubt that the name of Goswami Brij Bhushan Lal Ji was substituted, in the said register vide secretary's order dated 7.9.1943, with the names of Mohd. Sadiq, Mohd. Swahleen and Mohd. Ahmad. In the remarks column it was noted that Mohd. Sadiq has sold his 1/3rd share to Mohd. Swahleen and Mohd. Ahmad. Therefore, in the year 1947 Mohd. Swahleen and Mohd. Ahmad were the owners as per Notified Area Committee Assessment Register. It has not been brought to our notice on behalf of the Petitioner as to whether the said substitution if wrong, was ever challenged. It appears to us that forged, interpolated and fabricated copies have been filed in this Court to obtain interim relief and then proceeded on to get the final relief inter alias on the basis of the said and other documents. Respondents were restrained from altering the nature of the property vide order dated 26.5.2000. At that time, the said property was a plain ground after demolition of the old structures. It appears that the Mr. Kailash Nath Chaturvedi has committed offences narrated in Clause "b" Sub-section 1 of Section 195 of Cr.P.C., and prima facie, offences under Sections 196, 199, 463, 471 and other related Sections have been committed by filing the said documents on the court record.

33. We are of the opinion that it is expedient in the interests of justice that an inquiry should be made into the said offences (Section 340 Cr.P.C.) and the criminal prosecution should proceed in accordance with law. For this purpose we direct the Registrar General to send the complaint with the copies of the above mentioned four documents (2 prima facie forged, interpolated and fabricated copies + 2 correct copies) to the Sessions Judge, Delhi, for further proceedings in accordance with law. Mr. Kailash Nath Chaturvedi the attorney of the Petitioner shall appear before the Sessions Judge, Delhi on 16.7.2007 and face inquiry/trial.

34. Further the interim stay has definitely caused loss to the public exchequer, we Therefore leave it open to the Respondents to recover from the Petitioner, in accordance with law the escalated cost of construction, compensation and loss caused, due to this Writ Petition. The Petition being malafide and vexatious is

dismissed with Rs. 2.50 lacs (Rupees Two lacs fifty thousand) as costs against the Petitioner and in favor of the Respondents.

CM No. 15976/2005

This application does not survive.