

H.C.D.-1 (a) Continuation Sheet

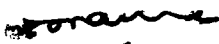
Sr. No.	Date	Orders
		<p>% 08.04.2004</p> <p>Present : Mr. Siddharth Malhotra, Advocate for the petitioner. Ms. Zubeda Begum, Advocate for respondent No.1. Ms. Gita Mittal with Ms. Shobhna Takiar, Advocates for respondent No.2/DDA. Mr. Abhilash Mathur, Advocate for respondent No.3. Mr. D.N. Narula with Ms. Vandana Miglani, advocates for respondent N.4. Mr. Sanjay Poddar, Advocate for respondent L&B Department.</p> <p>+ <u>WP (C) 1283/2003</u></p> <p>The enquiry report submitted by the Registrar (Vigilance) dated 16.03.2004 gives a finding that Mr. Vipin Vohra is the person who managed to procure and hand over copy of fabricated stay order. There are certain observations against Mr. T.N. Vohra and Mr. Jagdish Chander, Patwari, LAC Department, in so far as their conduct and statements made during the proceedings. Learned counsel for the petitioner naturally disputes this finding.</p> <p>Taking the aforesaid facts and circumstances into consideration and the gravity of the offence involved, I consider it appropriate to direct the Registrar General of this Court to register an FIR under the relevant provisions in view of the enquiry report of the Registrar (Vigilance) and the matter be investigated by the Crime Branch of Delhi Police and the investigation to be carried out by an officer not less than the rank of Inspector under the supervision of a senior officer. It will be open to the investigating agency to look into the roles of all concerned persons for the purpose of the investigation. The investigating officer will be permitted access to the judicial records in the present proceedings in accordance with law. A copy of the status report be supplied to learned counsel for the petitioner.</p> <p>The second aspect arises from the directions passed on the last date for the enquiry by the Deputy Commissioner (South) since the earlier order passed in that behalf had not been complied with. Mr. S.S. Yadav, Deputy Commissioner (South) is</p>

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared the
digital data is as per the physical file

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		<p>present in Court and has placed on record the enquiry report which is taken on record where a conclusion has been reached that sale deeds in question have been executed without obtaining the permission from the competent authority (NOC) as per the provisions of Section 8 of the Delhi Land (Restriction of Transfer) Act, 1972 and Shri S.S. Sokhi, Sub-Registrar-III, Delhi, who registered the sale deeds has been responsible for the same. It is further stated that since sale deeds have been executed and registered in contravention of the provisions of Sections 3 and 4 of the Delhi Land (Restriction and Transfer) Act, 1972, the same is a punishable offence under the provisions of Section 9 of the said Act. Mr. Yadav assures that action in pursuance to the aforesaid finding shall be taken not later than 15 days from today and compliance report to that effect will be filed within three weeks in Court.</p> <p>The last aspect relates to the amount deposited in Court by the petitioner in pursuance to the order dated 19.01.2004. Learned counsel for the Group-4 Securitاس states that part of the amount deposited by the petitioner is on account of security deposit. This is apart from other claims which according to learned counsel is due from the petitioner. Learned counsel for the petitioner disputes the liability to pay the amount and claims that they have certain other claims against Group-4 Securitاس. This, in my considered view, can be settled in the appropriate civil proceedings for which liberty is granted to the parties.</p> <p>The aforesaid amount was so directed to be deposited in view of the fact that the amounts of Group-4 Securitاس were lying with the petitioner and according to the rental, more amount than the amount deposited would be liable by Group-4 Securitاس in respect of the months when they have enjoyed possession after the property which was liable to be demolished. The detailed reasons are recorded in the order dated 19.01.2004. Since it is DDA who would have enjoyed this property over this period of time. I consider it appropriate to direct the Registry to release this</p>

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		<p>amount along with any accrued interest thereon to the DDA, to be used only for the development of horticulture.</p> <p>Learned counsel for the petitioner points out that there is an appeal pending against this order in which no interim orders have been granted but at that stage the Division Bench did not grant such orders because the amount was only directed to be deposited in Court. It is made clear that the direction for release of the amount in favour of the DDA is subject to the final orders to be passed by the Division Bench in the appeal filed by the petitioner.</p> <p>There is one last aspect which arises from the contention of learned counsel for Group-4 Securitas that there are bullet proof glass installed in the windows and seeks permission to remove the same and be replaced by ordinary glass to which DDA has no objection. The needful be accordingly done.</p> <p>Before parting with the matter, I am pained to observe the manner in which the process of court has been misused in the present proceedings and fabricated order utilised to prevent the legitimate action by the statutory authorities. The least said is better about the gravity of the offence committed. It is thus expected that the concerned authorities including the police authorities will look into the matter with due diligence and promptitude to complete investigation process at an early date.</p> <p>No further orders are called for in the writ petition and the same is disposed of.</p> <p>April 8, 2004</p> <p> SANJAY KISHAN KAUL, J</p>