

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

Date of decision: 9th July, 2013.

+ **RFA 579/2010**

RAJ KISHORE & ORS Appellants

Through: Mr. V.P. Singh, Sr. Adv. with Mr.
Mukul Dhawan, Advocate.

Versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Ms. Shobhana Takiar, Adv. for R-
1/DDA.

Ms. Rachna Srivastava, Adv. for
GNCTD.

Mr. Ruchir Mishra, Adv. for R-4/IOI

Mr. Siddhartha Dave and Ms.

Nandita Rao, Adv. for R-5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

J U D G M E N T

% **09.07.2013**

1. This first appeal under Section 96 of the Civil Procedure Code (CPC), 1908 impugns the judgment and decree dated 4th June, 2010 of the Additional District Judge, Central-II, Delhi dismissing Suit No.78/06/97 filed by the appellants. The said suit was filed by the appellants for permanent and mandatory injunction to restrain, the Delhi Development Authority (DDA) (respondent No.1), The Lieutenant Governor, Delhi (respondent No.2), The Delhi Administration (respondent No.3) and the Union of India (respondent No.4), from demolishing or seeking to take

possession of the three premises admeasuring four bighas and two biswas bearing numbers 225A, 225B and 225C in Khasra No.164 of Village-Lado Sarai, Tehsil-Mehrauli, New Delhi till the disposal of the representation dated 8th April, 1997 of the appellant No.1 to the respondents; a direction was also sought against the respondents directing them to consider the said representation.

2. Notice of this appeal was issued and on the statement of the counsel for the appellants that the respondents during the pendency of the suit had been restrained from demolishing the permanent structure of the aforesaid premises of the appellants, vide *ex-parte* ad interim order dated 9th August, 2010, the respondents were restrained from dispossessing the appellants from the said premises. Upon failure of the respondents to file reply to the application for interim stay, vide order dated 23rd May, 2011, the said interim order was confirmed. On the representation of the respondent No.1 DDA as recorded in the order dated 28th September, 2011, that the subject land is urgently required for public purpose, the appeal was ordered to be heard at an early date. Vide subsequent order dated 10th January, 2013, application of Shanti Memorial Society for impleadment as respondent No.5 in this appeal was allowed. The senior counsel for the appellants and the counsels for Delhi Government, DDA and Shanti Memorial Society have been heard.

3. Though the Trial Court records requisitioned to this Court are voluminous, the controversy is in a narrow compass. The appellants admit that the land under their property aforesaid was acquired vide notification dated 13th November, 1959 under Section 4 of the Land Acquisition Act,

1894 and declaration dated 16th May, 1967 under Section 6 of the said Act and that an Award dated 19th June, 1980 was made with respect thereto. The appellants further admit that the writ petition filed by them in this Court challenging the said acquisition was dismissed on 14th December, 1995 and the Special Leave Petition (SLP) No.3434/1996 preferred by them to the Supreme Court was dismissed by the Supreme Court vide judgment dated 1st November, 1996 (both, the judgment dated 14th December, 1995 of this Court and the judgment dated 1st November, 1996 of the Supreme Court are common judgments in writ petitions/SLPs filed by the appellants as well as a large number of other persons similarly situated as the appellants and the judgment of the Supreme Court is reported as *Murari Vs. UOI* (1997) 1 SCC 15)

4. One of the grounds of challenge to the acquisition before this Court as well as before the Supreme Court was that since the land was sought to be acquired for planned development of Delhi, therefore, the provisions of Delhi Development Act, 1957 became applicable to such acquisition of land; that such land was not so acquired within the period of six months from the date of service of notice under Section 55(2) of the Delhi Development Act by the land owners and the land owners were no longer required to keep the land as open space or un-built and was not liable to compulsory acquisition and the acquisition proceedings were liable to be quashed on this ground. However, the said contention did not find favour and was rejected.

5. Yet another contention before the Supreme Court was that the respondents had vide order dated 4th August, 1995 withdrawn the

notification under Section 4 of the Act with respect to certain lands in exercise of power under Section 48 of the Act; it was contended that if one part of the land is released from public purpose, the whole land covered under the notification will stand released as the Government cannot give a differential treatment and which will be hit by Article 14 of the Constitution of India. The said contention was also rejected and it was held that even if there was an order for release of certain areas of land belonging to certain land owners, the same would not render the entire notification invalid. It was further held that as long as there is no notification under Section 48 of the Act withdrawing the land from acquisition, the Court cannot take notice of any subsequent disinclination on the part of the beneficiaries i.e. the DDA.

6. It was also the contention of some of the counsels for the land owners appearing before the Supreme Court that there were ‘much structures and complexes’ existing on the land sought to be acquired and in which schools, sports facilities, factories, workshops, godowns and residential houses existed. It was contended that such areas did not require further development as they were already developed and, therefore, such land should be released from acquisition. The Supreme Court held as under:

“So far as the structures and constructions made on the land are concerned there is no material to show that they were made before the issuance of notification under Section 4 of the Act. It is also not clear whether such constructions were raised with or without necessary sanction/approval of the competent authority. No grievance therefore can legitimately be raised in that behalf as the same would be regarded as unauthorised and made at the risk of the land owners. Here a reference of a decision of this Court in the case of *State of U.P. Vs. Pista Devi* AIR 1985 SC 2025 may be made with

advantage, para 7 of which reads as under:

It was next contended that in the large extent of land acquired which was about 412 acres there were some buildings here and there and so the acquisition of these parts of the land on which buildings were situated was unjustified since these portions were not either waste to or arable lands which could be dealt with under Section 17(1) of the Act. This contention has not been considered by the High Court. We do not, however, find any substance in it. The Government was not acquiring any property which was substantially covered by buildings. It acquired about 412 acres of land on the outskirts of Meerut city which was described as arable land by the Collector. It may be true that here and there were a few superstructures. In a case of this nature where a large extent of land is being acquired for planned development of the urban area it would not be proper to leave the small portions over which some superstructures have been constructed out of the development scheme. In such a situations where there is real urgency it would be difficult to apply Section 5-A of the Act in the case of few bits of land on which some structures are standing and to exempt the rest of the property from its application.

In the present case also a large extent of land measuring thousands of acres has been acquired and, therefore, it would not be proper to leave out some small portions here and there over which some structures are said to be constructed out of the planned development of Delhi. **We may, however add here that during the course of the arguments Shri Goswami learned Counsel appearing for the respondents-State made a statement that the Government will consider each of the structures and take a decision in that respect. We, therefore, leave this issue to the discretion of the respondent**

After overall consideration of the issues involved in these transfer cases and the appeals we find no ground to take a different view then the one taken by the High Court in the impugned judgment. Consequently, the acquisition proceedings could not be quashed on any grounds. We also find ourselves in respectful agreement with the view taken by this Court in the case of *Ram Chand* (supra).

Consequently, the appeals fail and are hereby dismissed. The transfer cases are allowed in terms of the order made in the case of ***Ram Chand*** (supra) directing that the transfer petitioners and the appellants shall be paid an additional amount of compensation to be calculated at the rate of 12 percent per annum, after the expiry of two years from the date of decision of ***Aflatoon's*** case i.e. August 23, 1974 till the date of making of the awards by the Collector, to be calculated with reference to the market value of the land in question on the date of notification under Section 4(1) of the Act. In the facts and circumstances of the case we make no order as to costs.” **(emphasis added)**.

7. The appellant no.1 made a representation dated 8th April, 1997 to the Vice-Chairman of the DDA with copies to the Lt. Governor of Delhi and Land Acquisition Commissioner, Delhi Administration as under:

“The Vice Chairman,
DDA
Vikas Sadan, INA
New Delhi

8th April, 1997

Sub: Regularization of built up area in Khasra No.164
of Village Lado Sarai, Mehrauli, New Delhi.

Honourable Sir,

Most respectfully and humbly I submit the following few lines for your kind consideration and favourable orders please.

I am owner and in possession of landed property bearing Khasra No.164 situated in revenue records of village Lado Sarai, Tehsil Mahrauli, New Delhi. My sons Raj Kishore, Nand Kishore and Namo Narain have constructed their houses on this piece of land way back in 1974-75 as I had a very small ancestral house in the old

abadi of village Lado Sarai which was insufficient for the larger family to live in. They have been paying House Taxes (since its inception in 1980 in our village) to the M.C.D.

In the year 1980 the notification to acquire the landed property of the village including the above said Khasra No.164 was made by the authorities concerned without making physical verification of the limit up/landed property, I objected at every stage that my above Khasra which is an built up area should be left out of acquisition but no one listened. I was compelled to file a civil writ petition No.1189/82 and against common judgement of all the civil writ petitions, I also went in special leave petition to the Honourable Supreme Court No.3434/1996 where it has been left to this Authority to decide about the built up area. Hence left to this Authority, because I have built houses to my children and family and these now exist amidst of the Abadi area of the village Lado Sarai. The Houses of my sons are adjacent/surrounded to Khasra No.

All built up, even no purpose shall be served in case the houses of the petitioner are demolished and converted into ruins because the land thereunder has not been ear-marked for any specific purpose.

I have also not taken the amount of award because before award the constructed houses were in existence.

It is therefore most respectfully and humbly prayed that the landed property situated in Khasra No.167, village Lado Sarai, Tehsil Mehrauli, New Delhi may kindly be regularized in my name. I am ready to make any payment which in case required to be made to the authority concerned.”

8. The pleas of the appellants in the suit from which this appeal arises

were, (a) that they had raised construction on properties No.225A, 225B and 225C on land admeasuring four bighas and two biswas qua which the suit was filed during the year 1997 and were duly assessed to property tax with respect thereto; (b) that they had in accordance with the highlighted portion aforesaid of the judgment of the Supreme Court represented to the respondents; (c) that various other representations also made in accordance with the observation aforesaid in the judgment of the Supreme Court were pending consideration; (d) that no policy had been framed or implemented by the respondents as to which properties being constructed properties were to be left out of acquisition; (e) that the appellants were hopeful of their representation dated 8th April, 1997 being accepted; (f) that till such a decision was taken by the respondents, the appellants were entitled to enjoy, use and occupy their property; (g) that the respondent No.1 DDA had however on 2nd July, 1997 demolished a portion of the said property of the appellants and was threatening to demolish the remaining property also.

9. It was the contention of the appellants in the plaint that the respondent No.1 DDA was not entitled to demolish the property of the appellants till the representation dated 8th April, 1997 of the appellants is decided.

10. The respondents No.2 & 3 i.e. the Lt. Governor, Delhi and Delhi Administration filed a written statement pleading that the possession of the land had already been taken on 24th June, 1980 and placed at the disposal of the DDA and a notification under Section 22(1) of Delhi Development Act had also been issued on 29th June, 1980 and thus the question of the appellants being entitled to any relief under Section 48 of the Act did not arise. It was yet further pleaded that the possession pursuant to acquisition

having been taken over, the land vested in the Government free from all encumbrances and the possession of the land owners if at all thereafter was illegal and could not create any rights in favour of the land owners. It was yet further pleaded that the suit to challenge the acquisition was not maintainable. It was also pleaded that the construction had been raised after the announcement of acquisition proceedings and was at the risk and cost of the appellants and did not create any rights in favour of the appellants to seek release of the land under Section 48 of the Act. With respect to the representation dated 8th April, 1997 of the appellants, it was pleaded:

“that in the meeting of De-notification Committee held on 8th October, 1997, the representation of the appellants was considered and the same was rejected on the ground that the physical possession of the land was taken over on 24th June, 1980 and in these circumstances, the provisions of Section 48 of the Act are not applicable”.

11. Respondent No.1 DDA also filed a written statement pleading:

- (a) that the reliefs claimed were with respect to illegal construction on public land; that the appellant had no right to the land which had been acquired and the award with respect thereto stood published and possession thereof stood taken;
- (b) that the construction admittedly made after the notification under Section 4 and declaration under Section 6 did not vest any rights in the appellants; that the payment of house tax or electricity charges also was of no relevance and did not vest any rights in the appellants;
- (c) that the appellants were misconstruing the judgment of the

Supreme Court and no right for consideration of representation was created in favour of the appellants thereunder; that the matter was in any case left to the discretion of the respondents and which had not been exercised in favour of the appellants; that the DDA was thus entitled to remove the unauthorized construction;

(d) that the appellants were in unauthorized occupation of public land and had no right to retain the same.

12. No replication of the appellants to the written statements of respondents no.2&3 is found on record of the appeal paper book or Trial Court record and the senior counsel for the appellants also is not in a position to state whether any such replication was filed or not and in any case has not been able to find any replication in his own files/records.

13. It is the case of the respondent No.5 Shanti Memorial Society in its application for impleadment that it had applied to the respondent No.1 DDA to, in exercise of its power under the Delhi Development (Disposal of Developed Land) Rules, 1981 for allotment of institutional land for setting up a hospital; that the respondent No.1 DDA issued a provisional letter dated 6th May, 1999 of allotment of land admeasuring one hectare i.e. 10,000 sq. mtrs. at Lado Sarai, New Delhi to the said Society for construction of a 290 beds hospital; that the amounts demanded by the respondent No.1 DDA were deposited and physical possession handed over; that however the land was not clearly demarcated and respondent No.1 DDA also delayed execution of perpetual lease deed thereof; that the said Society ultimately filed WP(C) No.14154/2006 before this Court and in response thereto the respondent No.1 DDA disclosed that part of the land so

allotted was under litigation in the suit from which this appeal arises; that in pursuance to the directions in the said writ petition, perpetual lease of the remaining land admeasuring 7528.91 sq. mtrs. was executed in favour of the said society and possession of the balance land that is the land subject matter of these proceedings could not be handed over; that the said Society had sought impleadment also in the suit from which this appeal arises but was unsuccessful. It is the contention of the respondent No.5 Society that it is suffering loss owing to the interim orders earlier in the suit and now in this appeal.

14. On the pleadings of the parties, the following issues were framed by the learned Additional District Judge:

“1. Whether this court has no jurisdiction to try and decide the present suit? OPD

2. Whether the present suit is barred under the provisions of Specific Relief Act? OPD

3. Whether the suit land was acquired for planned Development of Delhi vide award dated 19/6/80 and if so, its effect? OPD

4. Whether suit land having been placed to the disposal of DDA under section 22 (I) of DD Act free from any encumbrances in the Union of India U/s 16 of the land acquisition Act? OPD

5. Whether the suit is bad for non-joinder of Union of India? OPD

5A. Whether the physical possession of the subject land in Khasra No.164 has been taken over by the defendant No.3 on 24.06.1980 and handed over to defendant no.1? If so, its effect? OPD

6. Whether the plaintiff is entitled to the relief claimed in the present suit? OPP

7. Relief.”

15. Though in the aforesaid state of pleadings when the only claim of the appellant/plaintiff in the suit was for decision of their representation and to which decision they claimed a right and during the pendency of which decision they sought injunction; and on which aspects no evidence even was necessary, issues extraneous to the context were framed and witnesses were examined and resultantly the suit remained pending before the Trial Court for 13 years. This is clearly an instance of mindless observance of the procedure prescribed for disposal of the suit resulting in unnecessary delays at the cost of a public project. The only contention of the senior counsel for the appellants in this appeal also is, as also is the prayer in the plaint, that the appellants are entitled to have their representation decided. Even if they are to be held entitled to the said relief, the suit, in my opinion could have been disposed of immediately instead of keeping it pending for 13 years with a direction to the respondents to decide the said representation of the appellant in a time bound manner. A perusal of as many as eight issues framed shows that issues were framed and resultantly evidence recorded on aspects which were not even in dispute and admitted in the plaint itself. This Court sincerely hopes that no such mishap occurs in future and sincerely advises all subordinate Courts to apply themselves at each and every stage of the proceedings.

16. The learned Additional District Judge in the impugned judgment, under Issues No.1 & 2 supra held, (i) that the Land Acquisition Act is a self-contained and a complete Code in itself; (ii) that the records produced before it showed that after making of the award, the Land Acquisition Collector took possession of the subject land on 14th June, 1980 and the

Land & Building Department handed over possession thereof to the DDA; (iii) that the possession of the land having been taken over and placed at the disposal of the DDA, Government could not withdraw the acquisition; (iv) that the appellants by way of the suit were in fact challenging the act of the Government whereby their lands had been acquired but could not be permitted to circumvent the order of the Supreme Court rendering a final opinion on the acquisition proceedings; (v) that the appellants could not be allowed to re-open the same by filing the suit. Relying on ***Bahadur Singh Vs. Union of India*** 122 (2005) DLT 586, the jurisdiction of the Civil Court was held to be excluded. Having held so, the learned Additional District Judge did not feel the need to deal with other issues and accordingly dismissed the suit.

17. The only argument of the senior counsel for the appellants is that the respondents as per the statements made by them before the Supreme Court and as recorded in the judgment supra were required to consider the case of the land of the appellants on which structures existed and take a decision thereon and the appellants had a right to have their case so considered and had made a representation also to the said effect but no decision had been taken thereon. It is argued that the appellants are not seeking to challenge the acquisition proceedings as has been misconstrued by the learned Additional District Judge but were only seeking a direction for consideration of their representation dated 8th April, 1997 supra and protection of their possession till then.

18. On enquiry from the senior counsel for the appellants as to what was the right of the appellants in law, the senior counsel for the appellants

thought first himself referred to Section 48 of the Land Acquisition Act but upon it being pointed out that the representation was not under Section 48 and not even addressed to the Government which was competent to take a decision under Section 48 but to the DDA, pegged his case for regularization under the notification dated 24th March, 2008 of the DDA titled “Regulations for Regularization of Unauthorized Colonies in Delhi” issued in exercise of power under Section 57 of the Delhi Development Act and argued that the subject properties now fall in an unauthorized colony under regularization.

19. Upon attention of the senior counsel for the appellants being further drawn to the plea in the written statement of the Delhi Government of the representation of the appellants having been rejected in the meeting held on 8th October, 1997, the senior counsel for the appellants contended that the same had not been proved by the respondents. Attention in this regard is invited to the evidence of PW-2 Mr. Abhijeet Kumar Ranjan, LDC from the Lt. Governor Secretariat, Delhi to the effect that the record of the representation dated 8th April, 1997 and any decision taken thereon was not available as the records for the period upto 1997-1998 had been weeded out with the approval of the competent authority. Attention is similarly invited to the evidence recorded on 24th September, 2009 of PW-7 Mr. Babu Lal, Patwari, DDA to the effect that the record relating to the said representation and decision taken thereon was not traceable.

20. I must however highlight at this stage that neither had the appellants as aforesaid filed any replication to the written statement of the Delhi Government pleading the representation dated 8th April, 1997 of the

appellants having been rejected in the meeting held on 8th October, 1997 nor did the appellants claim any issue on the said aspect. If the appellants were controverting the said fact even in the absence of a replication, they ought to have pressed for and got framed an issue thereon particularly when as aforesaid the only question for adjudication in the suit was whether the said representation of the appellants had been decided or not. From the conduct of the appellants of not having an issue framed on the said aspect, the only inference can be that the appellants were not controverting the said fact.

21. Once the appellants are found to be not controverting the rejection of their representation in the meeting held on 8th October, 1997, as per the arguments of the senior counsel for the appellants also, nothing further survived in the suit.

22. A perusal of the order sheet of the suit file brings forward another glaring aspect. The order dated 17th November, 1997 in the suit is as under:

“ Ms. Vgadayrua states that the representation made by the plaintiff has been rejected by defendant No.1. She has also placed on record photostat copy of the proceedings of the meeting held on October 8, 1997.

Shri Mehta states that he needs time to study the minutes of the meeting dated October 8, 1997 and another date may be given for arguments.

List on December 17, 1997, for arguments.”

23. The aforesaid would show that the proceedings /minutes of the meeting held on 8th October, 1997 in which the representation of the appellants was rejected were very much brought to the notice of the appellants as far back as on 17th November, 1997 and it was perhaps for this

reason only that no issue was got framed by the appellants with respect thereto and the argument of the counsel for the appellants today of the respondents having not proved the rejection of the representation is clearly in abuse of the process of this Court.

24. A perusal of the order sheet further shows that on the date subsequent to 17th November, 1997, the appellants instead of making any submissions with respect to or challenging the rejection of their representation and which indeed could not be done in the suit and was not in challenge in the suit, sought time to file the replication and proceeded with the suit, taking advantage of the interim order therein, again clearly in abuse of the process of this Court.

25. The order dated 23rd August, 2005 also shows that the right of the appellants to file replication was closed upon the appellants failing to file replication inspite of repeated opportunities.

26. The appellants are in the facts and circumstances aforesaid found to have indulged in and indulging in abuse of process of this Court by not disclosing today also the fact that the minutes of the meeting held on 8th October, 1997 rejecting the representation dated 8th April, 1997 were supplied to them as far back as on 17th November, 1997 and in urging grounds in this memorandum of appeal and in the hearing today to the effect that the fate of their representation had not been disclosed to them.

27. I am also of the opinion that the statement of the counsel for State before the Supreme Court to the effect that the Government will consider each of the structures and take a decision in that respect did not vest any right in the appellants. It cannot be lost sight of that the appellants had

sought to challenge the acquisition on the basis of the said structures but which challenge was negated by the Supreme Court. Though the counsel for the State offered that the Government will consider each of the structures and take a decision in that respect but the Supreme Court did not bind the State to the said statement and rather left the matter to the discretion of the State. Even applying the principle of, the State being required to act fairly, it was put to the senior counsel for the appellants whether not the opposition by the respondents to the suit of the appellants itself not show the decision of the respondents to be not to grant any relief to the appellants. No plausible answer is forthcoming.

28. Division Benches of this Court in *Rajbir Solanki Vs. Union of India* 2008 (101) DRJ 577 and *Nagin Chand Godha Vs. Union of India* (2003) 70 DRJ 721 have held that taking over of symbolic possession to acquisition is sufficient and the continuance in possession of the land owners thereafter does not vest any rights in the land owners and the landowner cannot be heard to contend that possession is not taken. I have also had occasion to consider this aspect in *Sukhbir Singh Vs. Lt. Governor of Delhi* MANU/DE/368/2011 and in *Surya Prakash Gupta Vs. Govt. Of NCT of Delhi* MANU/DE/4160/2011.

29. Similarly it has been held in *State of Orissa Vs. Raja Kishore Das* (1996) 4 SCC 221 that the constructions raised after the issuance of the notification/declaration under Sections 4 & 6 of the Land Acquisition Act do not create any right in favour of the appellants.

30. As aforesaid, the senior counsel for the appellants during the hearing did not even press his case under Section 48 of the Act and confined the

same to the regularization. However, the right of such regularization is of a colony and not of individual structures or house. Moreover, the suit of the appellants from which this appeal arises was not for regularization as indeed it could be and the suit was only for permanent injunction till the decision on the representation and for mandatory injunction for a decision to be taken on the representation and which as aforesaid is found to have been done. The bogie raised of regularization is thus of no avail.

31. It is unfortunate that the counsels for the respondents also have not cared to go through the files or to point out the aforesaid facts and which has resulted in public injury; had the counsel for the respondents acted diligently and informed the court that the order of rejection of representation of appellants was furnished to the counsel for appellants on 17th November, 1997 itself, the suit would have ended then itself and the stay stood vacated and public projects not got held up for last nearly 15 years. Even in today's hearing, the counsels for the respondents were unaware of the said fact and which was revealed only on going through the order sheet of the suit file.

32. The Supreme Court recently in ***Commissioner, Bangalore Development Authority Vs. Brijesh Reddy*** (2013) 3 SCC 66 also has held that Land Acquisition Act is a complete Code in itself and meant to serve a public purpose and by implication the power of the Civil Court to take cognizance of the case under Section 9 of CPC stands excluded and a Civil Court has no jurisdiction to go into the question of validity or legality of the notifications/declarations under Section 4 & 6 and subsequent proceedings except by the High Court in a proceeding under Article 226 of the Constitution of India. It was further held that the Civil Court is devoid of

jurisdiction to give declaration or even bare injunction on the validity of procedure contemplated under the Act and the only right available to the aggrieved person is to approach to the High Court under Article 226 of the Constitution in exercise of its extraordinary power.

33. There is thus absolutely no merit in the appeal which is dismissed with costs of Rs.30,000/- payable by the appellants to the DLSA within four weeks of today.

34. I am also pained to notice that owing to the appellants having indulged in abuse of the process of the Court as aforesaid, public has been deprived of the benefit of the land acquired for public purpose. The Supreme Court has time and again painstakingly reiterated that a litigant must come with clean hands, put forward all the facts before the Court without concealing or suppressing anything and that if there is no candid disclosure of relevant and material facts, the litigant shall be guilty of misleading the Court and abusing the process of the court [see *Advocate General, State of Bihar Vs. Madhya Pradesh Khair Industries* (1980) 3 SCC 311, *State of Haryana Vs. K.N. Dutta* (1995) 3 SCC 144, *K.D. Sharma Vs. Steel Authority of India Ltd.* (2008) 12 SCC 481 and *Narmada Bachao Andolan Vs. State of Madhya Pradesh* (2011) 7 SCC 639]. The conduct of the appellants is *prima facie* found to be in obstruction and interference of administration of justice and to curb such practices by litigants, it is deemed expedient to, while dismissing the appeal, issue notice to show cause to the appellants as to why they should not be proceeded against for contempt of Court.

35. Notice is accordingly issued.

36. Reply be filed within four weeks.
37. List on 10th September, 2013.

RAJIV SAHAI ENDLAW, J.

JULY 09, 2013
bs..