



\$~33 (2022 Cause List)

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

+ CM(M) 227/2022

SOUTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Mr. Gaganmeet Singh Sachdeva,
Additional Standing Counsel.

versus

SH RAMPHAL & ANR. Respondents

Through: Ms. Jyoti Tyagi, Advocate for
R-2/Union of India.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **11.03.2022**

The proceedings in the matter have been conducted through hybrid mode [physical and virtual hearing].

CM APPL. 12472/2022 (exemption)

Exemption allowed, subject to all just exceptions.

The application is disposed of.

CM APPL. 12471/2022 (stay of proceedings before trial court till disposal of petition)

1. Issue notice. Ms. Jyoti Tyagi, learned counsel, accepts notice on behalf of respondent No. 2-Union of India. Respondent No. 1-Sh. Ramphal, may be served through learned counsel appearing on his behalf before the Executing Court.

2. The petitioner-South Delhi Municipal Corporation ["SDMC"]



assails an order dated 04.03.2022, passed by the Additional District Judge-04, South West District, Dwarka Courts, Delhi in EX. Civil-1007-18. The said order reads as follows:

“Ms. Sarita Aggarwal, Counsel for UOI with Sh. Nakul Yadav, Naib Tehsildar for LAC.

Sh. A. N. Aggarwal, Counsel for SDMC.

The objections have been filed by SDMC that land has been handed over to PWD. The reference was decided by SDMC. Initial payment was also made by SDMC. Now it does not lie in the mouth of SDMC to absolve from liability of remaining payment. This court cannot go behind the decree. Accordingly, the objection stands dismissed.

Let the payment be called from SDMC on furnishing the bank account details for 11.03.2022. The counsel has liberty to get the attachment removed, if he himself bring the amount.”

3. It appears that certain land of the respondent No. 1 herein [decree holder] was acquired in the year 2011. The execution proceedings relate to the compensation payable to the decree holder. Mr. Gaganmeet Singh Sachdeva, learned counsel for the petitioner-SDMC, submits that the SDMC was only entrusted with the task of construction of the over-bridge on the said land and the acquisition was not at the instance of the SDMC at all. He states that the SDMC was not responsible for paying the original compensation amount and cannot be made responsible for paying the enhanced compensation either.

4. Mr. Sachdeva refers to an order dated 24.11.2021 [Annexure A-6 to the petition], passed by the Executing Court in similar execution proceedings, wherein the contention of the SDMC has been noted that the land has been given to the Public Works Department [“PWD”] and they



are not concerned with the compensation. On this contention, the Court issued a direction for appearance of Senior Officer from the PWD.

5. In view of the aforesaid, the Executing Court is directed not to take any coercive steps against the SDMC until the next date of hearing.

6. The pendency of this petition will not come in the way of the SDMC raising these contentions before the Executing Court for the consideration of the Executing Court, which the Executing Court may deal with in greater detail.

7. I am informed that the matter is listed before the Executing Court today i.e. 11.03.2022. As the matter is listed today, Mr. Sachdeva is at liberty to communicate the contents of this order to the decree holder and the Executing Court.

8. List on 20.05.2022.

9. Order be given *dasti* under signatures of the Court Master.

PRATEEK JALAN, J

MARCH 11, 2022

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