

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

Date of Reserve: 8th March, 2010
Date of Order: 12th March, 2010

CM (M) No. 316/2010

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12.3.2010

Shri Ramesh Chand Goyal

... Petitioner

Through: Mr. V.K.Mishra, Advocate

Versus

The Govt. of NCT of Delhi & Ors.

... Respondents

Through: Mr. Aditya Madan, Advocate

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

The petitioner has assailed an order dated 1st May, 2009 whereby an application made by the petitioner under Order 1 Rule 10 CPC before the learned ADJ in a LAC case under Section 30/31 of LAC Act was dismissed.

2. The petitioner wanted to be impleaded as a party on the ground that the petitioner was purchaser of the land from previous owner and he had made an application to LAC for compensation which was not entertained by the LAC, he was therefore liable to be impleaded as a party. The trial Court dismissed the application in view of the judgment of Supreme Court in Smt. Ambey Devi v. State of Bihar AIR 1996 SC 1513 and Prayag Upnivas Avas v. Allahabad Vikas Pradhikaran, AIR 2003 SC 2302.

3. It is settled law that LAC Court is a Court of reference to which reference is made by LAC and the scope of reference cannot be enlarged by LAC by adding parties. It may be that the petitioner had purchased land from the previous *bhumidar* and the mutation had not taken place in the revenue record. However, the acquisition proceedings for agricultural land are done

on the basis of revenue record as it existed on the date of notification, in view of the fact that there is a restriction placed by law under The Delhi Land (Restrictions on Transfer) Act, 1972 on sale of land once notification of Acquisition is made and acquisition proceedings are initiated. If the petitioner had any rights against the person who was shown *bhumidar* in the revenue record, the petitioner can assert these rights independently. He may file a Civil Suit for recovery of the compensation from the defendant. However as far as LAC is concerned, the LAC cannot entertain the application of purchaser, who purchased the land just around the date of acquisition or subsequently. In view of the supreme Court judgment and in view of The Delhi Land (Restrictions on Transfer) Act, 1972, LAC Court has no jurisdiction to add parties to a reference.

This petition has no force and is hereby dismissed.

March 12, 2010
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SHIV NARAYAN DHINGRA, J.