

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

Date of Decision: September 22, 2017

+ W.P.(C) 2257/2015

MAHENDER & ORS.

..... Petitioners

Through: Mr. Ram Dhan, Advocate

Versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Advocate for respondent-
L&B/LAC

Mr. Pawan Mathur, Standing Counsel for
respondent-DDA

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

S. RAVINDRA BHAT, J. (OPEN COURT)

1. Petitioners' claim in these proceedings is that the compensation determined by the Collector and later the reference under Sections 30/31 of the *Land Acquisition Act, 1894*, for appropriation of shares of persons interested in the compensation, has not been decided. A reference was sought under Section 30/31 of *The Land Acquisition Act, 1894 (the old act)* (LAC No.20/2004; LAC old No.106/80). The reference was made on 24.04.2004. On the basis of the said order and the Award made, the petitioners had earlier sought appropriate orders under Section 28A of old Act on 20.11.2004. It is stated that despite pendency of the proceedings,

for the last 11 years and several reminders, LAC has not taken any active steps in deciding the application.

2. The writ petition is pending for last two years. Respondent-GNCTD has chosen not to file any reply despite several opportunities. Given the state of pleadings, it is apparent that the petitioner is seeking enhanced compensation under Section 28A of the old Act on the basis of parity having regard to the order made by the Reference Court under Sections 30 & 31 of *The Land Acquisition Act, 1894* under previous Award. The concerned Land Acquisition Collector is hereby directed to dispose of petitioner's application under Section 28A of the old Act within twelve weeks from today after considering the material on record and hearing the concerned parties, in accordance with law, in case yet not decided.

3. The writ petition is disposed of with aforesaid directions.

S. RAVINDRA BHAT
(JUDGE)

SUNIL GAUR
(JUDGE)

SEPTEMBER 22, 2017

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