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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8965/2014, C.M. APPL.29876/2015**
M.L. ABBOTT (SINCE DECEASED) THROUGH LRS

..... Petitioner

Through : Sh. R.P. Sharma, Advocate.

versus

DELHI JAL BOARD & ORS. Respondents

Through: Sh. Rameezuddin Raja, for Ms. Sangeeta
Bharti, ASC, for DJB.

Sh. Yeeshu Jain, Standing Counsel with Ms. Jyoti
Tyagi, Advocate, for L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **31.07.2017**

The petitioner claims enhancement of compensation in these two proceedings.

The brief facts are that according to the pleadings, one late Sh. Manohar Lal Abbott purchased 2 bighas 8 biswas in Khasra No.198 Village Kilokari by public auction on 15.07.1959. The possession of the land was taken over by him on 19.11.1959. Apparently, this land was subject to acquisition and an award was made on 29.01.1960. Sh. Abbot's suit for possession – filed in 1968 was decreed. The judgment was later confirmed in appeal by the District Judge on 02.09.2009.

In the meanwhile, the respondents issued a notification under Section 4 of the Land Acquisition Act, 1894 [hereafter “the 1894 Act”] on 03.12.2012 covering the suit lands. The petitioner objected to this acquisition notification. Subsequently, a declaration was issued and on

30.12.2013, the acquisition was made.

The petitioner contends that the possession of the suit lands was continuously with him and that the possession was illegally taken which was sought to be tapered through subsequent acquisition in 2012 and that the compensation assessed was grossly inadequate. It was submitted that despite an application for enhancement of compensation under Section 18 of the 1894 Act, no progress has been made.

It is evident from the above discussion that the original land owner was apparently dispossessed way back in 1960. However, the acquisition appears not to have been completed but rather the acquisition of the suit lands took place pursuant to notification of 2012 which ultimately culminated in the award dated 30.12.2013. The record also reveals that on 05.02.2014, the petitioner sought reference under Section 18 of the 1894 Act.

In the circumstances, the respondents are hereby directed to ensure that the reference is forwarded to the concerned Court; given the nature of the dispute, irrespective of whether the petitioner has accepted compensation or not.

The petitioner may accept compensation under protest. The reference court shall endeavour to complete the proceedings and render judgment in accordance with law at its earliest convenience, preferably by 31.03.2018.

S. RAVINDRA BHAT, J

S.P.GARG, J

JULY 31, 2017/ajk