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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7817/2017**

CHET SINGH RANA Petitioner
Through : Sh. S.K. Rout and Sh. P. Rath,
Advocates.

versus

UNION OF INDIA Respondent
Through : Sh. Yeeshu Jain and Ms. Jyoti Tyagi,
Advocates.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
05.09.2017

Issue notice. Sh. Yeeshu Jain, Advocate accepts notice.

The limited relief claimed in this petition under Article 226 of the Constitution is to set-aside an order of the respondent/LAC dated 31.01.2017, declining to forward the reference under Section 18 of the *Land Acquisition Act, 1894* [hereafter “the 1894 Act”].

The Award in this case was made on 01.02.2012. The petitioner in this case requested for a reference on 15.01.2014. It was stated that the petitioner received the compensation on 28.11.2014 and he was in the dark till the impugned order, as to whether the reference had been forwarded to the competent court.

The LAC in the impugned order expressed the opinion that the application under Section 18 of the 1894 Act is time-barred and that

in so saying he relied upon the provisions of Section 12(2) of the 1894 Act.

The respondent's counsel argued that the impugned order should not be interfered with given the mandate of the law and the fact that the LAC was competent to decide and pronounce upon the issue of limitation. It is also urged that the compensation under Sections 30/31 of the 1894 Act was rendered on 30.10.2013

We have heard learned counsel for the parties. Without expressing any opinion on the merits of the issue of limitation, the Court is of the view that the reference petition – which is the only opportunity provided by law to a land owner to establish his case for higher compensation by leading evidence, should be forwarded under Section 18 of the 1894 Act. At the same time, it is open to the reference Court to decide the issue of limitation, if so raised by the respondent, in opposition to the maintainability.

In view of the above, the order dated 31.01.2017 is set-aside. The LAC shall also forward the reference to the competent court within six weeks. All questions of law, including the issue of limitation are kept open. The writ petition is allowed in the above terms.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 05, 2017/AJK