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

% *Date of Judgment: 10th November, 2017*

+ W.P.(C) 9044/2017

VIJAY KUMAR VATS Petitioner

Through: Mr.N.S.Vasisht, Adv.

versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Through: Mr.Siddharth Panda, Adv. for
L&B/LAC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

G.S.SISTANI, J. (ORAL)

1. The petitioner seeks a direction to the Land Acquisition Collector to comply with the provisions of Section 18 and 19 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Old Act') and refer to the court the reference petition filed by the father of the petitioner under Section 18 of the Old Act for determination of the market value of the land to the extent of his 1/4th share comprised in Khasra No.1777 (6-0), 1764 MIN (2-0), 1778 (15-06) & 1794 MIN (10-11) totally measuring 33 bighas 17 biswas situated in the revenue estate of village Mehrauli, New Delhi acquired for planned development of Delhi vide award No.80-E/70-71 (suppl.) dated 09.01.1981.

2. The grievance of the petitioner is that despite such an application having been filed in the year 1981, no order has been passed.
3. Notice was issued in the matter on 13.10.2017. No reply has been filed. Mr.Panda, counsel for LAC submits, on instructions, that as per the record of the LAC no such application has been filed. He further submits that typed copy of the application which has been placed on record is without any date. It is also submitted by counsel for the LAC that the petitioner has failed to either file any proof with regard to filing of such an application, neither there is any explanation for the delay in approaching this Court. Para 1 of this application would show that the petitioner's claim to have gained knowledge of the award only on 19.02.1981. Counsel submits that in the absence of any such application filed before the Land Acquisition Collector, no order can be passed.
4. We have heard the learned counsel for the parties and considered their rival submission. A limited relief is sought by counsel for the petitioner i.e. for issuance of a direction to the LAC to consider the application filed by the father of the petitioner under section 18 of the Old Act. The counsel for the LAC has disputed as to whether any such application has been filed. Leaving the rights and contentions and objections so raised by the LAC open, we direct the LAC to decide the application, if filed, and available on record by the LAC expeditiously and not later than 60 days of the receipt of the orders. We make it clear that we have not expressed any opinion on the merit of the matter with regard to filing and availability of the application. In case, no such application is on record, the petitioner will be informed at the address mentioned in this writ petition.

5. With these directions, the writ petition as also CM.APPL 36974/2017 stand disposed of.

G.S.SISTANI, J

V. KAMESWAR RAO, J

NOVEMBER 10, 2017

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