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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11861/2015

DEVENDER RAGHAV

..... Petitioner

Through : Mr.G.K.Kaushik, Mr.Desh Raj and
Mr.D.K.Kaushik, Advs.

versus

UNION OF INDIA & ANR

..... Respondents

Through : Mr.Yeeshu Jian, standing counsel and
Ms.Jyoti Tyagi, Adv. for R-1
Mr.Puneet Garg, Law Officer for
DMRC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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20.04.2017

The petitioner claims to be aggrieved by the action of the respondent making a reference under Section 18 of the Land Acquisition Act, 1894 ("Act"). The lands in question were notified for acquisition under Section 4 of the Act in 1997. Subsequently declaration was issued and an award was framed by the Collector after due inquiry into the materials and after hearing some land owners. The petitioner had purchased the lands in 1989. He relies upon the sale deed dated 10.01.1989. It is stated that upon becoming aware that the award was made he sought a reference under Section 30 & 31 of the Act in 2010 so that he was able to collect the compensation. Respondents did not refer the dispute with respect to the enhancement of compensation despite the request in this regard made within 6 months' period after the date of the receipt of the award. Therefore appropriate directions are sought for. The petitioner submits that the starting point of limitation would be from the date of actual or constructive knowledge and relies upon the judgments of the Supreme

Court in *Raja Harish Chandra Raj Singh v. Deputy Land Acquisition Officer* AIR 1961 SC 1500; *State of Punjab v. Qaisar Jehan Begum* AIR 1963 SC 1604 and *Maharashtra State Power Generation Co. Ltd. v. Dr. Sheshrao Baliram Ingole* FA(O) No.518/2003 decided on 02.02.2016. Learned counsel for the respondent contends that the application seeking reference is beyond the period of limitation since the award was made in 1999-2000. Petitioner's constructive knowledge if at all rose in 1993, Section 30 & 31 of the Act applies and application records the delay.

This Court considered the submissions. It appears that the petitioner's submissions with respect to date of constructive knowledge may facially be merited. The Court however does not wish to pronounce finally as is urged by the respondents', having regard to the fact that the issue of the reference Court itself can go into the question of limitation.

In the above view of the matter the respondents are directed to refer the matter for decision before the competent Court under Section 18 of the Land Acquisition Act. The Court shall decide all contentions including objections, if any, as to the issue of limitation (urged by the State) and other submissions by the parties.

The reference shall be made within 6 weeks and the petitioner shall be duly intimated of the same. The writ petition is allowed to same extent.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

APRIL 20, 2017
VLD