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

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LA.APP. 62/2017

ANAND

..... Appellant

Through: Mr. L.B.Rai, Mr. Narsingh Narain,  
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Yeeshu Jain &Ms.Shilpi  
Chaudhary, Advocates for R-1.  
Mr. Rajender Yadav, Advocate for R-  
4.  
None for R-2, 3, 5, 6 & 7.

**CORAM:**

**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**

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**11.12.2018**

None is present on behalf of the respondent nos. 2, 3, 5, 6 & 7 who all as per record have been served as indicated vide proceedings dated 22.03.2017 reflecting the service of respondent nos. 2 to 6 and respondent no.7 is indicated to have been allowed to be impleaded vide order dated 16.05.2017 when he was present in Court in person.

Vide the present appeal under Section 54 of the Land Acquisition Act, 1894, the appellant seeks the setting aside of the judgment dated 22.10.2016 of the learned ADJ-02, West, Delhi in case no.22A/10/08, New LAC No.33/2016 vide which on a reference made by the Land Acquisition Collector under Section 30-31 of Land Acquisition Act, 1894 in respect of award No. 3/DCW/2005-06

Mundka, in respect of Khasra No.1/25 (1-10), 2/21 (1-14), 22/2 (0-6), 5/1 (4-16), 5/2 (4-16) measuring 13 bigha 2 biswa and 2/22//2 (2-1), 22/1 (4-6), 23/1 (2-6) total measuring 8 bigha 13 biswa of village Mundka, Delhi and in all 21 Bigha 15 biswa as per Naksha Muntzamin along with compensation of Rs.1,16,09,440/-, the claim of the appellant herein arrayed as IP No.5 was not granted, it having been held that IP No.5 i.e. the appellant herein Sh. Anand, though he had filed the claim but had not led any evidence and was thus not entitled to compensation in respect of land in Khasra No. 2/21(2-15), submitting to the effect that the entitlement of the appellant for the claim is not in dispute inasmuch as IP No.1 Sh. Lal Singh, IP No.2 Sh. Chand Ram, IP No. 3 Sh. Jai Bhagwan, IP No.7 Sh.Bharat Singh have all been directed vide the same award to get their share of requisite compensation amounts which amounts on behalf of Union of India have already been deposited before the Reference Court, and it has been submitted on behalf of the appellant that the said IP No.1 Sh. Lal Singh, IP No.2 Sh. Chand Ram, IP No. 3 Sh. Jai Bhagwan, IP No.7 Sh.Bharat Singh and also IP No. 4 Sh. Ramesh Parkash and IP No. 6 Sh.Suresh are all brothers.

As per the averments in the appeal, supported with an affidavit of the appellant, the appellant is an illiterate person and had been waiting till November 2016 with other villagers and wanted to know the status of the case and tried to contact his counsel who could not be found and it was thereafter learnt that the counsel had sold his chamber at the Tis Hazari Courts and the appellant thus failed to get knowledge about the matter and it was only subsequently from the

Court staff that he learnt that the reference had already been decided on 22.10.2016 and subsequently engaged another counsel and it was then learnt that his claim had been declined for want of leading evidence.

In the circumstances of the case, taking into account the factum that the claims of IP No.1 Sh. Lal Singh, IP No.2 Sh. Chand Ram, IP No. 3 Sh. Jai Bhagwan, IP No.7 Sh. Bharat Singh who are brothers of the appellant in relation to the acquired land in respect of award No. 3/DCW/2005-06 Mundka have already been adjudicated upon and granted in their favour, it is considered appropriate to set aside the observations of the learned ADJ-02, West, Delhi in relation to IP No.5 in paragraph 45 of the verdict, holding that IP No.5 is not entitled to any compensation in respect of land in Khasra No.2/21 (2-15) inasmuch as he has not led any evidence, with permission granted to the appellant herein to lead evidence before the learned Reference Court which on being so led is to be adjudicated upon on giving adequate opportunity to the respondents to contest the same, if, they so desire.

The proceedings are thus remanded back to the learned ADJ-02, West, Delhi to proceed further in accordance with law and the parties are directed to appear before the said learned Court on the date 14.01.2019 at 2.30 PM.

The appeal is disposed of.

**ANU MALHOTRA, J**

**DECEMBER 11, 2018/NC**