

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

Date of Order: August 24, 2018

+ **W.P.(C) 2002/2016 & CM 8646/2016**

DHARAMBIRPetitioner

Through: Ms. Vagisha Kochar, Advocate

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi, Advocates for respondents No. 1 and 3
Mr. Pankaj Yadav and Mr. Priyaranjan Dubey, Advocates for respondent No. 2
Mr. P.S. Anuroop and Mr. Vikas Bhardwaj, Advocates for respondent No. 4

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned order of 24th November, 2015 permits petitioner to withdraw application for impleadment in proceedings under Sections 30/31 of *the Land Acquisition Act, 1894* while relying upon Supreme Court's decision in *Ram Prakash Agarwal and Another v. Gopi Krishan and Others*, (2013) 11 SCC 296.

2. Learned counsel for petitioner submits that petitioner's counsel before trial court was not aware of Supreme Court's judgment in *Ram Prakash (supra)* and later on, after going through this judgment, it was

found that this judgment has no application to the facts of the instant case, as petitioner had already sought compensation and so, under a mistaken impression, the application for impleadment was withdrawn.

3. The opposition to this application by opposite side is on the ground that as per the report of the concerned Land Acquisition Collector (*Annexure R4/4*), there is no entry of petitioner's application filed on 28th November, 2006.

4. At this stage, learned counsel for petitioner points out that application (*Annexure-G colly.*) was filed and it bears the initials of the concerned authority regarding receipt of this application. It is also submitted that a reminder was sent on 30th October, 2007, but to no avail and second reminder was again sent on 14th November, 2013, which bears the stamp of acknowledgment of the concerned Land Acquisition Collector.

5. Upon hearing and on perusal of impugned order, I find that petitioner was ill-advised to withdraw the application for impleadment as Supreme Court's decision in *Ram Prakash (supra)* would have application only when no application is made before the Land Acquisition Collector. Whether an application was made by petitioner or not and if such an application was followed by reminders, is an aspect which is required to be considered by trial court.

6. In the facts and circumstances of this case, petitioner is permitted to file a fresh application for impleadment within a week. If such an application is received by trial court, then it be duly considered in accordance with the law. Till it is so done, the pending proceedings under

Sections 30/31 of *the Land Acquisition Act, 1894* be not brought to an end.

7. With aforesaid directions, this petition and the pending application are disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

AUGUST 24, 2018

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