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

% *Date of Judgment: 18th April, 2018*

+ W.P.(C) 3168/2018

SURAJ PRAKASH JAIN AND ORS.

..... Petitioners

Through: Mr. S.K. Rout and Mr. Aman
Mehrotra, Advocates

versus

UNION OF INDIA THROUGH LAND ACQUISITION
COLLECTOR

.... Respondent

Through: Ms. Jyoti Tyagi, Advocate for Mr.
Yeeshu Jain, Standing Counsel for
L&B/LAC.

Ms. Shobhana Takiar and Mr.
Udayan Khandelwal, Advocates for
DMRC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. This is a petition under Article 226 of the Constitution of India filed by the petitioners seeking a writ of *mandamus* directing the respondent no.1/Land Acquisition Collector to forward the original reference petition of the petitioners dated 31.10.2014 along with a subsequent reference petition dated 10.08.2015 to the concerned Reference Court without any delay in accordance with Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act').

2. Mr. Rout, learned counsel for the petitioners submits that a notification under Section 4 of the Act was issued with respect to village Jhilmil Tahirpur, Delhi. The petitioners are the owners of land measuring 1 bigha 11 biswas, out of total land measuring 6 bigha and 18 biswas. A Section 6 declaration was made on 05.10.2006 and an Award was rendered on 24.12.2007.
3. The petitioners claim that a reference petition was made on 31.10.2014 and a second reference petition was made on 10.08.2015. Counsel for the petitioners submits that the petitioners have made various visits to the office of Land Acquisition Collector and also submitted written arguments, but neither any formal order has been passed nor the reference petitions have been forwarded.
4. No counter affidavit has been filed by the respondent no.1 LAC. Ms. Tyagi, learned counsel for the LAC, on instructions, submits that the reference has not been forwarded for the reason that it is barred by time based on the legal opinion received by the LAC from the L&B Department. Mr. Rout, learned counsel for the petitioners submits that in case one hearing is granted by the LAC, he would be able to establish that the reference petition has been filed within the period of limitation.
5. Since no opportunity of hearing has been granted to the petitioners, to meet the ends of justice, we dispose of the present writ petition with a direction to the Land Acquisition Collector to grant one hearing to the petitioners and thereafter pass a reasoned order. The final order will be passed within a period of six weeks from the hearing.

6. The petitioners would be entitled to appear in person and/or represented through a counsel. Notice of appearance shall be issued at the address mentioned in the writ petition.
7. With these directions, the writ petition stands disposed of.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

APRIL 18, 2018

pst