

\$~4

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

Date of decision: 28th November, 2019

+ **CM(M) 1421/2019 & CM APPL. 43072/2019**

KAWALJEET SINGH & ANR Petitioners

Through: Mr. M.L. Bajaj, Advocate.
(M:9810987273)

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Sanjay Kumar Pathak & Mr. Om
Prakash, Jr. Asstt/o/o LAC(W), Mr.
Sunil Kumar Jha and Mr. M.S. Akhtar
Advocates for R-1 (M-9910770311)

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. The prayer in the present petition is that the Respondents ought to be directed to trace the reference filed by the Petitioner on 24th May, 2001 which was not traceable in the records of the Id. Designated Court under the Land Acquisition Act, 1894.

2. The order dated 27th July, 2017 passed by the Id. Designated Court reads as under:

“As per report of the Ahlmad no such reference received by this court in the year 2012, therefore, no reference petition can be traced out by the staff of this court. Application is disposed of accordingly. Application be consigned to record room”

3. The present petition has thereafter been moved seeking directions against the LAC to trace the reference filed by the Petitioner.

4. On the last date i.e, 30th October, 2019 the Respondents had sought time to seek instructions to see if the copy of the reference could be traced from the LAC's record. Today, it is submitted by Mr. Sanjay Kumar Pathak, Id. Counsel appearing for the LAC that the reference filed by the Petitioner exists on the LAC records and was never missing. It is further submitted that the reference which was filed by the Petitioner was forwarded to the Id. Designated Court on 29th September, 2012.

5. A perusal of the record which has been shown to the Court clearly reveals that the reference was received on 24th May, 2001. Id. counsel further submits that the Section 30 and 31 reference was decided only in August, 2010 and in September, 2012 the reference was sent to the Id. Designated Court. It is inexplicable as to how a reference which was filed in 2001 remains in the record of the LAC till 2012 i.e., a period of eleven years and continued to be untraceable in the records of the Id. Designated Court as is clear from the order extracted above.

6. Since the reference has now been agreed to have been filed on 24th May, 2001 by the Id. counsel appearing for the LAC, the forwarding letter along with the reference as available in the record of the LAC shall now be placed by the Id. counsel for the LAC in the record of the Id. Designated Court. After taking the same on record and considering the same as the original document of reference, further proceedings shall be conducted by the Id. Designated Court. The matter be listed before the Id. Designated Court on 16th December, 2019 for the Id. counsel for the LAC to place the reference along with the covering letter before the said Court. The reference shall be decided within a period of six months from today.

7. Clearly, something is amiss in the manner in which these references

are being forwarded to the Id. Designated Court, maybe owing to the fact that high rate of interest would be payable to the claimants once their entitlement is decided by the Court. A strict view of the matter shall be taken by the Id. Designated Court in such cases in order to ensure that officers who are being negligent or callous in forwarding the references to the Id. Designated Court, are held responsible in such cases. With these observations the petition and all pending applications are disposed of.

PRATHIBA M. SINGH
JUDGE

NOVEMBER 28, 2019

dj