

\$~VC-80

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

Date of decision: 12th October, 2020

+ **W.P. (C) 7827/2020**

RAVINDER KUMAR AGGARWALPetitioner

Through: Mr. N.S. Dalal, Advocate

versus

GOVT. OF N.C.T OF DELHI & ANR.Respondents

Through: Mr. Yeeshu Jain, Standing Counsel
and Ms. Jyoti Tyagi, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

%

[VIA VIDEO CONFERENCING]

RAJIV SAHAI ENDLAW, J.

1. The petitioner claims, (i) that he was the owner of the land forming part of Khasra No.366 measuring 1 Bigha 14 Biswas situated in the revenue estate of Village Mehrauli, New Delhi; (ii) the said land was acquired vide Award No.26/2005-2006 pertaining to Village Mehrauli, New Delhi; (iii) some other persons who were having no claim to the said land however, claimed right in the same and a Reference Petition was sent to Additional District Judge, under Sections 30 and 31 of the Land Acquisition Act, 1894; (iv) the said Reference Petition was decided by the Additional District Judge vide order dated 23rd March, 2018, by

holding that the petitioner is entitled to 80% of the compensation and other claimants are entitled to 20% of the compensation; (v) that along with the aforesaid land, land admeasuring 1 Bigha 1 Biswa in Khasra No.367 and the land measuring 12 Biswas in Khasra No.369 situated in the revenue estate of Village Mehrauli, New Delhi, of one Sanjeev Kumar Rajora was also acquired; (vi) the said Sanjeev Kumar Rajora filed a Reference Petition being LAC No.43/2016 titled ***Sanjeev Kumar Rajora vs. Government of NCT of Delhi & others*** under Section 18 of the Land Acquisition Act; (vii) the court of Shri Nikhil Chopra, Additional District Judge, Delhi, vide judgment dated 6th April, 2019, decided the Reference aforesaid filed by Sanjeev Kumar Rajora and assessed the market value at the rate of Rs.14,970/- per square yard, alongwith other benefits; (viii) the petitioner, on 15th May, 2019 filed a petition under Section 28A of the Land Acquisition Act before the respondents Land Acquisition Collector (LAC); and, (ix) the said petition under Section 28A has not been decided till now.

2. The only relief claimed in this petition is of direction for time bound disposal of Section 28A petition filed by the petitioner and pending before the LAC.

3. None appeared for the respondents LAC in spite of advance copy stated to have been given.

4. We have called for Ms. Jyoti Tyagi, Advocate who otherwise appears for the respondents LAC and asked her to appear

and accept notice.

5. She states that she has no knowledge of the present case and needs time to obtain instructions with respect to the status of the petition/application under Section 28A, if any filed by the petitioner.

6. The counsel for the petitioner fairly points out that this petition, as per the roster of this Court, ought to have been listed before a Single Judge of this Court.

7. We are of the opinion that petitions claiming such reliefs ought not to be kept pending and should not burden the roster of the Court. The only relief claimed by the petitioner being of time bound disposal of his 28A application/petition, notwithstanding Ms. Jyoti Tyagi, Advocate for the respondents LAC not having instructions, we deem it appropriate to dispose of this writ petition by directing the respondents Land Acquisition Collector to, on or before 31st March, 2021, if any application/petition under Section 28A has been filed by the petitioner and has not been disposed of as yet, to pass appropriate orders thereon, in accordance with law and to communicate the said order to the petitioner. If any further particulars are required from the petitioner, the petitioner be given notice of the same through Mr. N.S. Dalal, Advocate for the petitioner and if any further proceedings are required to be undertaken, the same be also undertaken in the interregnum.

8. Mr.N.S. Dalal, Advocate for the petitioner to today itself

also email to Ms. Jyoti Tyagi, Advocate, a copy of this petition.

9. The writ petition is disposed of.

**RAJIV SAHAI ENDLAW
(JUDGE)**

**ASHA MENON
(JUDGE)**

OCTOBER 12, 2020

pkb

