



2024:DHC:9816-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 17th December, 2024*+ **W.P.(C) 11695/2022 & CM APPL. 39881-83/2024****RATTAN SINGH**

.....Petitioner

Through: Mr. B.S. Kharab, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr Sanjay Kumar Pathak, Mr Sunil Kumar Jha, Mr MS Akhtar, Mr Sami S Siddiqui, Advs. for R-1/LAC. (M: 9871658979)

Mr. Roshan Lal Goel & Mr. Bhuvan Goel, Advs. for DDA/R-2. (M:9654169406)

CORAM:**JUSTICE PRATHIBA M. SINGH****JUSTICE AMIT SHARMA****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.

CM APPL.39881/2024 (u/O XXII Rule 3 CPC for bringing the LR's)

2. This is an application under Order XXII Rule 3 of the CPC read with Section 151 of the CPC for substitution of the legal heirs of the Petitioner. For the reasons stated in the application, the substitution is permitted.

3. The amended memo of parties is taken on record. Application is allowed and disposed of.

CM APPLs.39882/2024 & 39883/2024 (for delay in filing and refiling)

4. For the reasons stated in the applications, the delay in filing and refiling the application under Order XXII Rule 3 CPC is condoned. Applications are allowed and disposed of.

**W.P.(C) 11695/2022**

5. The present petition under Article 226 of the Constitution of India has been filed by the Petitioner, Rattan Singh (now through his LRs), seeking issuance of directions to Respondent No.1 to send the Reference Petition filed by the present Petitioner on 1st May, 2009 under Section 18 of the Land Acquisition Act, 1894 (hereinafter, 'LA Act') to the learned Dist. Judge, South-West, Dwarka Courts for further enhancement of compensation of the acquired land of the Petitioner.

6. The agricultural land owned by the Petitioner comprising Khasra No.22/25/1 measuring 3 bighas 14 biswas situated in the revenue estate of Village Dhool Siras, New Delhi was acquired vide Award No.09/2008/09/SW dated 26th December, 2008. The purpose of acquisition was for construction of a 100 meter-wide road under Planned Development Delhi. In terms of the said award, the compensation of Rs.22,05,011/- has been paid to the Petitioner.

7. According to the Petitioner, he then filed a reference petition under Section 18 of the LA Act on 1st May, 2009 but this fact is disputed by the Respondents. Though the case of the Petitioner is that the said reference petition was filed in 2009, the written representation for consideration of the same was filed only on 1st November, 2021. On the ground that no movement was seen in the petition filed under Section 18 of the LA Act, the present petition has been filed seeking disposal of the reference petition for further enhancement of compensation of the acquired land of the Petitioner in accordance with law.

8. Ld. Counsel for the LAC submits that the matter may be referred for



the purpose of determining and deciding the reference petition filed by the Petitioner under Section 18 of the LA Act.

9. On behalf of the DDA, it is submitted that the Petitioner is not entitled to any interest for the period from 2009 till the time the present petition was filed in July 2022. It is the submission of Id. Counsel for the DDA that the liability of interest could be fastened on the DDA which would be a substantial burden, despite the fact that the Petitioner never followed up the reference petition, which was allegedly stated to be filed in 2009.

10. This Court has heard the learned Counsels for the parties.

11. A reference petition has been handed across to the Court stated to have been filed by the Petitioner bearing a seal of 1st May, 2009. A copy of the same has been annexed as Annexure P-2 with the pleadings.

12. While the genuinity of the date of filing is not ascertainable at this stage, this Court is inclined to pass a direction to the LAC to send the said reference petition to the District Judge within a period of two months. The same be disposed of in accordance with law.

13. As part of the said adjudication, the concerned District Judge shall also take into account whether the Reference Petition filed was in 2009 or not taking into consideration the fact that the Petitioner approached this Court only in 2022.

14. Needless to add that interest, if any, is held to be payable, the period for the same shall also be determined by the said Court after hearing the DDA as well.



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15. The present petition is disposed of in the above terms.

16. *Dasti.*

**PRATHIBA M. SINGH
JUDGE**

**AMIT SHARMA
JUDGE**

DECEMBER 17, 2024/dk/bh/ns

Signature Not Verified

Digitally Signed
By:DHIRENDER KUMAR
Signing Date:19.12.2024
17:09

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