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

+ W.P.(C) 13908/2023

GEETA AND ANR

.....Petitioners

Through: Mr. A. N. Aggarwal, Ms. Nupur Sachdeva, Ms. Sonia, Mr. Ankit Bhardwaj and Mr. Parikshit Bajaj, Advocates.

versus

LAND ACQUISITION

COLLECTOR/A.D.M. AND ORS

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing Counsel for R-1/LAC along with Mrs. K. K. Pathak, Mr. Sunil Kumar Jha, Mr. M. S. Akhtar and Ms. Mussarrat, B. Hasmi, Advocates for R-1/LAC. Ms. Anju Gupta and Mr. Bhuvan Goel, Advocates for UOI/R-2. Ms. Shobhana Takiar, SC, DDA along with Ms. Latika Malhotra, Mr. Kuljeet Singh, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

04.09.2024

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1. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to respondent no.1 to decide their application preferred under Section 28-A of the Land Acquisition Act, 1894 (hereafter *the LA Act*) in accordance with law.
2. The petitioners claim that they were recorded owners of the property comprised in Khasra Nos. 65//1/1/2(0-1) and 68//25/3(0-6) located on Main Palam Road, Village Palam, Delhi.



3. The petitioners state that they had preferred their claim before the Land Acquisition Collector (LAC), as they were not reflected as recorded owners in the revenue records. Accordingly, a reference was made to the Additional District Judge (ADJ), Delhi under Section 30-31 of the LA Act on 22.08.2005.

4. The petitioners claim that they succeeded in the said reference and by an order dated 28.03.2017, the learned ADJ held that the petitioners were entitled to compensation with respect to their portions of the property which stood acquired. Thereafter, the petitioners received the compensation for their portions of the property on 22.09.2017, which according to them, does not reflect the correct value.

5. The petitioners have not made a reference under Section 18 of the LA Act for enhancement of the award, however, the petitioners made an application dated 22.07.2022 under Section 28-A of the LA Act upon becoming aware that certain other land owners have been granted enhanced compensation. The petitioners claim that they preferred the said application within the stipulated period of limitation.

6. Mr. Pathak, the learned counsel appearing for the LAC submits that the petitioners have made their application before a wrong forum and records are not readily traceable. He, however, fairly states that the respondents will reconstruct the records and process the petitioners' application and orders to the said effect may be passed.

7. In view of the above, we consider it apposite to allow the present petition and direct the concerned LAC to decide the petitioners' application dated 22.07.2022 filed under Section 28-A of the LA Act (which is registered *vide* No.1113578 dated 26.07.2022). In the events, the records



cannot be traced, the LAC is directed to reconstruct the same including on the basis of copies/documents filed in the present petition. We request the LAC to decide the petitioners' application as expeditiously as possible and in any event, within a period of six months from date.

8. The present petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 04, 2024

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