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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 20th December, 2024***

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W.P.(C) 7297/2022**SMT INDRA****.....Petitioner****Through: Mr. Vipin K. Singh, Adv.****versus****UNION OF INDIA & ANR.****.....Respondents****Through: Mr. Sanjay Kumar Pathak ,SC, Mr.
Sunil Kumar Jha , Mr. M S Akhtar,
Mr. Mayank Madhu, Mr. Sami
Sameer Sidhhique(M: 7909015592).****CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE AMIT SHARMA****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Shri Ishwar Singh, under Article 226 of the Constitution of India challenging the impugned order no. **ADM/LAC/SW/2019-20/88612** dated 10th December, 2019, passed by the Respondent No. 2, whereby the application of the Petitioner under Section 18 of the Land Acquisition Act, 1894 (hereinafter "*the Act*") has been rejected as being time barred.
3. *Vide* the said application under Section 18 of the Act, the Petitioner had sought reference of his matter to the relevant Court for determination of the market value of the Petitioner's land being *Khasra No. 141* situated in *Extended Lal Dora of village Bijwasan, Delhi* (hereinafter "*subject land*").



4. The brief facts are that the Petitioner is stated to be the owner of the subject land at the time of the acquisition proceedings in respect of the said land which commenced on 4th February, 2010, with issuance of the notification under Section 4 of the Act. The notification under Section 6 and 17 of the Act was issued on 11th January, 2011. The subject land is stated to be a part of a larger parcel of land that was being acquired.

5. On 1st February, 2012, the **Award No. 02/2012/ROB/LAC/SH** (hereinafter “*the Award*”) was passed by the Respondent in respect of the acquired land including the subject land. The compensation of Rs.12,30,238/- had been remitted to the Petitioner on 24th July, 2012. Notice under Section 12(2) of the Act was also issued to the Petitioner on 10th February, 2012, through speed post.

6. Thereafter, the reference petition under Section 18 of the Act is stated to have been filed by the Petitioner on 11th September, 2012. The said reference petition was rejected by the Respondent No. 2 *vide* the impugned order.

7. Section 18 of the Act provides for an interested person, who has not accepted an Award passed in the acquisition proceedings, the liberty to seek reference of his matter by the Collector to the competent Court for, *inter alia*, determination of compensation. Section 18 of the Act is reproduced hereunder for ease of reference:

“18. Reference to court

(I) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom



it is payable. or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made.

(a) if the person making it was present or represented before the Collector at the time when his award is made, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2); or, within six months from the date of the Collector's award, whichever period shall first expire.”

8. The Court has perused the records. The impugned order records that the notice under Section 12(2) of the Act was issued to the Petitioner through speed post on 10th February, 2012. Relevant extract of the order dated 10th December, 2019 is set out below:

“That your application was received on 11/09/2012 for Award No. 02/2012/ROB/LAC/SW dated 01/02/2012.

The notices were issued to the beneficiaries on 10/02/2012 through speed post for appointment of claim u/s 12(2) of LA Act, 1894

As per the report of NT/LA, the date of filing of reference u/s 18 of LA Act should be on or before 23/03/2012. However, in the present case the application u/s 18 of LA Act received on 11/09/2012. Thus the same is time barred.

*Thus, reference application u/s 18 of LA Act dated 11/09/2012 filed by applicant is **Time-barred**.*



Hence Rejected.”

Thus, in this matter, the computation of limitation would have to be done from the date the Petitioner was issued notice under Section 12(2) of the Act.

9. In the present case, the Petitioner was issued notice under Section 12(2) of the Act on 10th February, 2012, whereas, the reference petition had been filed on 11th September, 2012, *i.e.*, beyond the prescribed period under Section 18 of the Act. It is also noticed that the Petitioner in the meantime had received the compensation on 24th July, 2012.

10. Accordingly, the reference petition filed by the Petitioner has been correctly rejected by the Respondent No. 2 for being time barred.

11. In view of the above, the writ petition is dismissed.

12. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**AMIT SHARMA
JUDGE**

DECEMBER 20, 2024/kr/pr/ms