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

+ LA.APP. 287/2015 & CM APPL. 20277/2015 (for taking on record the additional evidence)

USHA P SINGH

.....Appellant

Through: Mr. N. S. Vasisht, Mr. M.P. Bhargava, Mr. Aashu Tyagi, Advocates

versus

UNION OF INDIA & ANR

.....Respondents

Through: Mr. Sanjay Kr. Pathak, SC with Mr. Mayank Arora, Mr. M. S. Akhtar, Mr. M. Benazir, Advocates for UOI

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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08.07.2024

1. The present appeal is filed under section 54 of the Land Acquisition Act, 1894 read with section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to impugn the award dated 26.04.2014 passed in LAC bearing no.77/2011 and the order dated 16.05.2015 passed by the court of ADJ-02, South, Saket Courts, New Delhi.
2. The appellant is claiming to be the owner of the land measuring 162.60 square metres and other land measuring 55.70 square metres forming part of khasra no.153 situated in the revenue estate of Village Sultanpur along with built up structure and said properties were acquired vide awards



bearing nos. 14B/2009-2010 dated 10.03.2010 and 14A/2009-2010 dated 10.03.2010 respectively. Thereafter, the appellant filed reference petition under section 18 of the Land Acquisition Act, 1894 for enhancement of compensation.

3. The court of Additional District Judge-02, South District, Saket Courts vide award dated 26.04.2014 titled as **Usha P. Singh V Union of India and Anr.** bearing LAC no. 77/2011 answered the reference petition and no further compensation was awarded in favour of the appellant.

4. Mr. N. S. Vasisht, Advocate for appellant stated that appellant was not given opportunity to lead evidence as reflecting from para no. 3.2 of the impugned award dated 26.04.2014. The appellant also filed an application seeking the reopening of the petitioner evidence under order XVIII Rules 17 and 17A CPC which was dismissed vide order dated 25.03.2013.

5. Mr. Sanjay Kumar Pathak, Standing Counsel for Union of India stated that the appellant was given sufficient opportunity to lead evidence by the Reference Court, but the appellant has failed to give appropriate evidence in support of his claim.

6. The land along with built up property of the appellant was acquired vide awards bearing nos. 14B/2009-2010 dated 10.03.2010 and 14A/2009-2010 dated 10.03.2010. The appellant may be entitled to receive the enhanced compensation over the compensation granted vide the impugned award dated 26.04.2014. The Reference Court should have decided the reference petition on merit after giving another opportunity to the appellant to lead evidence. After considering all facts, the impugned award dated 26.04.2014 and order dated 16.05.2015 are set aside and the



case is remanded back to the Reference Court for fresh consideration after giving opportunity to the appellant to lead evidence.

7. The parties are directed to appear before the Reference Court on 29.07.2024 at 2.30 P.M. for further directions.

8. The present appeal, along with pending application, stands disposed of.

9. Copy of this order to be sent to the Reference Court for information and compliance.

DR. SUDHIR KUMAR JAIN, J

JULY 8, 2024

j/am