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

+ **W.P.(C) 3750/2022 and CM APPL. 11157/2022**

SURENDER KUMAR

.....Petitioner

Through: **Mr. Inder Singh Dahiya, Advocate.**

versus

LAND ACQUISITION COLLECTOR/ADM NORTHRespondent

Through: **Mr. Sanjay Kumar Pathak, Standing Counsel with Ms. Kiran Pathak, Mr. Sunil Kumar Jha, Mr. M.S. Akhtar & Mr. Mayank Madhu, Advocates for LAC.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

05.03.2025

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1. The petitioner has filed the present petition, *inter alia*, praying as under:

“i) Issue a writ of certiorari or any other appropriate writ, order or direction for calling the record in respect of the land comprising in Khasra no.7//4/2 (3-16) and 5 (4-16), situated in the revenue estate of village Barwala, Delhi, which was acquired vide Award No.12/2005-06/DC(NW) of village Barwala, Delhi, from the office of respondent;

ii) Issue a writ of mandamus or any other appropriate writ, order or direction for respondent to decide the application for payment dated 09.03.2017, in respect of the land comprising in Khasra No.7//4/2 (3-16) and 5 (4-16), situated in the revenue estate of village Barwala, Delhi.



OR

Issue a writ of mandamus or any other appropriate writ, order or direction for respondent to send the compensation amount of the land comprising in Khasra No.7//4/2 (3-16) and 5 (4-16), situated in the revenue estate of village Barwala, Delhi, assessed by the respondent in Award No.12/2005-06/DC(NW) of village Barwala, Delhi, at item no.930, in Reference Court, in reference under Section 30-31 of the Land Acquisition Act, for deciding the entitlement of petitioner in this compensation.

iii) Award costs of the present petition in favour of the petitioner and against the respondent.”

2. The petitioner claims that he is the owner of certain lands comprising in Khasra no. 26/4(4-16), 26/5(4-16), 26/6(1-00), 7/4/2(3-16) and 5(4-16) measuring 19 bigha 4 biswas situated in the Revenue Estate of village Barwala, Delhi (hereafter *the subject land*).
3. The petitioner claims that the said land was earlier owned by Gaon Sabha but was abandoned. The petitioner had, thereafter, reclaimed the same and was in possession of the subject land.
4. The subject land was acquired by an Award bearing no. 12/2005-06 pronounced on 05.08.2005.
5. The petitioner states that after the subject land was acquired, the petitioner made an application for compensation for receiving the said land, which was quantified at ₹73,71,642.40/- in the name of Gaon Sabha (reflected as Item no. 930 of the Award).
6. It is stated that in view of the application made by the petitioner,



compensation amounting to ₹49,78,056/- in respect of the lands comprising in Khasra no.26/4(4-16) and 5(4-16) measuring 9 bighas 12 biswas was forwarded to the court of the learned Additional District Judge (ADJ) under Section 30-31 of the Land Acquisition Act, 1984 (hereafter *LA Act*) (being LAC No.79B/2015/08 captioned *Union of India v. Sarkar Daulat Madar & Others*). The said reference was decided by the learned ADJ (North), Rohini Courts, Delhi on 19.04.2016 and 80% of the assessed compensation was apportioned in favour of the petitioner.

7. The petitioner states that the compensation in respect of land comprising in Khasra no.7/4/2(3-16) and 5(4-16) located in the Revenue Estate of Village Barwala, Delhi has not been forwarded yet.

8. In the circumstances, the petitioner had filed an application dated 09.03.2017 for payment of compensation in respect of the said lands. He had also sent a reminder dated 18.09.2019 for forwarding the reference under Section 30-31 of the LA Act. However, no action has been taken in this regard.

9. Mr Sanjay Kumar Pathak, the learned standing counsel appearing for LAC submits that he has been unable to ascertain from the records whether reference under Section 30-31 of the LA Act was, in fact, sent to the concerned court in respect of Khasra nos.7/4/2(3-16) and 5(4-16).

10. In view of the above, we direct the LAC to forward the reference in respect of the aforesaid land [Khasra no.7/4/2(3-16) and 5(4-16)] falling in the Revenue Estate of Village Barwala, Delhi be forwarded to the concerned court under Section 30-31 of the LA Act within a period of three months, if



not already forwarded.

11. The petition is disposed of in the aforesaid terms. The pending application also stands disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 5, 2025
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Click here to check corrigendum, if any