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

+ **W.P.(C) 3998/2025**

CHATTARSAL & ANR

.....Petitioners

Through: **Mr. Keshav V. Hegde, Advocate**

versus

UNION OF INDIA & ANR

.....Respondents

Through: **Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha, Mr. K.K. Kiran Pathak, Mr. M.S. Akhtar and Mr. Divakar Kapil, Advocates for R-1/LAC. Mr. Gaganmeet Singh Sachdeva, Mr. Harshpreet Singh Chadha and Mr. Hridyesh Khanna, Advocates for R-2/DDA.**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

03.07.2025

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1. Heard, Mr. Hegde, learned counsel for the petitioners, Mr. Sanjay Kumar Pathak, learned counsel for respondent no.1/LAC and Mr. Gaganmeet Singh Sachdeva, learned counsel for respondent no.2/DDA.
2. By instituting these proceedings under Article 226 of the Constitution of India, a prayer has been sought to direct the respondent no.1 to refer application made by the petitioners under Section 28-A(3) of the Land Acquisition Act, 1894 to the Reference Court for re-determination of the

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compensation awarded in respect of land which was acquired long back, and in respect of which Award was declared in the year 1992-93. Additionally, it is stated by petitioner's counsel that a previous application under section 28-A(1) of the Land Acquisition Act, 1894 was also preferred but the same has yet not been decided.

3. Our attention has been drawn to an order passed by the Additional District Magistrate (South-East) on 22.10.2024, whereby the petitioners have been informed that an appeal has been filed before this Court against the Award made by the Court under Section 28-A of Land Acquisition Act, in respect of which parity has been sought by the petitioners.

4. Learned counsel representing the respondent no.1 has brought to our notice that LA Appeal No. 234/2024 (**Union of India v. Harbir Singh and Ors.**) is pending before this Court against the Award as per which parity has been sought by petitioners, so far as their claim for enhancement of compensation is concerned. It has further been informed by learned counsel representing respondent no.1 that in view of law laid down by the Hon'ble Supreme Court in **Bharatsing v. State of Maharashtra** (2018) 11 SCC 92, the Collector is required to keep the application moved under Section 28-A(1) of the Land Acquisition Act pending, till the appeal in respect of the Award as per which parity is claimed, is decided. Para 16 of the judgment in **Bharatsing** (supra) is extracted herein below:-

“16. The Section 28-A application dated 31-12-1992 based on the awards in LARs Nos. 123 and 129 of 1983 was decided on 25-10-2000 when the appeals therefrom were pending. The Collector ought to have kept the application pending till the appeals were decided on 23-3-2009. On principle, the High Court is correct and justified in the view taken in the impugned judgment that there cannot be successive applications under



Section 28-A in view of Pradeep Kumari. But that is not the point arising for consideration here. No doubt, the second application dated 27-5-2009 for refixation in light of the appellate court judgment is not maintainable. However, since the Collector is also at fault in deciding the application when the matter was pending in appeal, we are of the view that in the peculiar facts of the instant case, the application dated 31-12-1992 should be considered afresh.”

5. At this juncture, learned counsel for the petitioners only prays that direction may be issued to the Collector to pass appropriate orders on the application moved by the petitioners under Section 28-A(1) of the Land Acquisition Act, immediately after disposal of the appeal pending before this Court.
6. Accordingly, having regard to the facts and circumstances of the case as also the law laid down by the Supreme Court in **Bharatsing** (supra), we dispose of this writ petition with a direction to the concerned Land Acquisition Collector to pass appropriate orders on the application preferred by the petitioners under Section 28-A(1) of the Land Acquisition Act, immediately after disposal of the appeal.
7. It will be open to the petitioners to approach the Land Acquisition Collector once the appeal is decided.
8. The writ petition stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

ANISH DAYAL, J

JULY 3, 2025

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