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

+ **W.P.(C) 5164/2025 & CM APPL. 23493/2025**

SURENDER PRASHAD & ORS.

.....Petitioners

Through: Mr. Abhay Dixit and Mr. Harish Plaha, Advs.

versus

LAND ACQUISITION COLLECTOR & ANR.Respondents

Through: Mr. Sanjay Kr. Pathak, SC with Mr. Sunil Kr. Jha, Ms. M. S. Akhtar, Mr. Mayank Madhu, Mr. Sami S. Siddiqui, Advs. for R1 and 2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

23.04.2025

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1. Heard learned counsel representing the parties.
2. This present petition has been filed under Article 226 of the Constitution of India for issuing a direction to the respondents to release the amount of compensation awarded to the petitioners in terms of the land acquisition award bearing no. 8/2008-09/SW dated 14/11/2008 of village Roshan Pura, Delhi made under Section 11 of Land Acquisition Act, 1894.
3. It has been stated by learned counsel representing the petitioners that the petitioners in fact are the owners of the land in question and further that they acquired the ownership of the land prior to the issuance of the notifications under Section 4 & 6 of the Land Acquisition Act, 1894. Accordingly, they are entitled to the compensation in terms of the award



dated 14.11.2008.

4. Drawing our attention to an order dated 10.03.2025 passed by a Coordinate Bench of this Court in W.P.(C)2983/2025, it has been argued by learned counsel representing the petitioners that the case of the petitioners in the instant writ petition is somewhat similar to the case of the petitioners in W.P.(C)2983/2025 except the fact that in the memorandum prepared on 28.01.2022 which contains 64 land owners, names of the petitioners, were not there.

5. It has been stated that the exclusion of the names of the petitioners, in the said memorandum dated 28.01.2022 cannot be taken in aid by the Land Acquisition Collector to deprive the petitioners of their rights to claim compensation which they are otherwise entitled to.

6. Be that as it may, without expressing our opinion as to the claims of the respective parties, we find it appropriate to dispose of this writ petition with the direction to the Land Acquisition Collector to decide the representation-cum-legal notice said to have been sent by the petitioners on 06.02.2025 which has been enclosed as Annexure P-1 to this writ petition, by passing a reasoned and speaking order.

7. We also permit the petitioners to file an additional representation to substantiate their grievances with the Land Acquisition Collector within a fortnight from today. The Land Acquisition Collector will thereafter consider the entire facts and after calling of the requisite records and materials from the subordinates, shall take an informed the decision into the grievances of the petitioners relating to the alleged non-payment of compensation pursuant to the award dated 14.11.2008.

8. The said decision shall be taken by the Land Acquisition Collector



within a period of 08 weeks from today.

9. Learned counsel representing the respondents shall apprise the Land Acquisition Collector of this order forthwith.

10. In view of the aforesaid terms, the writ petition along with pending applications stands disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

APRIL 23, 2025/j