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

Date of decision: 14th November 2025

+ W.P.(C) 9261/2019

RAKESH KUMAR SETHI AND ORS.

....Petitioners

Through: Mr. Anuroop PS, Mr. Gaurav
Bidhuri, Mr. Ritik Yadav and Mr.
Prashant, Advocates

versus

LAND ACQUISITION COLLECTOR

.....Respondent

Through: Mr. Sanjay Kumar Pathak,
Standing Counsel with Mrs. K.K.
Kiran Pathak, Mr. Sunil Kumar
Jha, Mr. Divakar Kapil, Advocates

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. After the proceedings were decided under Section 30-31 of the Land Acquisition Act, 1894 (hereinafter "**Act of 1894**") on 8th March 2017 by the learned Additional District Judge, the petitioners lodged claim under Section 18 of the Act of 1894 for grant of enhanced compensation.

2. The said proceedings initiated by the petitioner came to be rejected *vide* impugned order dated 16th July 2018 passed by the Land Acquisition Collector, District-West Delhi.



3. Feeling aggrieved, this petition was preferred.
4. Learned counsel for the petitioners, drawing support from the judgment of the Hon'ble Apex Court in the matter of "*Madan & Anr. Vs. State of Maharashtra*", reported in (2013) 14 SCALE 631, would urge that the provisions of Sub-Section (2) of Section 18 of the Act of 1894 are read down by the Hon'ble Apex Court and it is held that it is open for the parties like the petitioner to take up recourse to Section 18 within the time prescribed under Sub-Section (2) of Section 18 of the Act of 1894 after the decision of the proceedings under Section 30-31 of the Act of 1894, thereby directing apportionment of the compensation.
5. According to him, in the case in hand, the order under Section 30-31 of the Act of 1894 was passed on 8th March 2017, whereas the impugned order rejecting the prayer for reference was passed by the Collector on 7th April 2017.
6. The petitioner has approached before the Land Acquisition Collector pursuant to statutory mandate under Sub-Section (2) of Section 18 of the Act of 1894 within the reasonable period prescribed therein *i.e.* six months from the date of the Award.
7. In such an eventuality, it is urged that the impugned order dated 16th July 2018 is not sustainable as the same goes contrary to the statutory mandate and the judgment of Hon'ble Apex Court in the matter of "*Madan & Anr*" (*supra*).
8. As against above, *Mr. Pathak*, learned counsel for the respondent would urge that the Court is equally required to be sensitive to the



mandate under Sub-Section (2) of Section 18 of the Act of 1894 as the date of Award is the relevant date. He would submit that in light of the Apex Court judgment in the matter of “*Madan & Anr*” (*supra*), the Court may pass an appropriate order in the matter.

9. In the light of above, we have appreciated the contents of the impugned order. The order impugned specifically speaks of the disposal of proceedings under Section 18 of the Act of 1894, which was initiated by the petitioners.

10. The said proceedings pertain to the land bearing *Khasra no.91/3(1-09)* at Village Mundka, Delhi. It further provides that a reference petition before the Land Acquisition Collector in respect of the aforesaid land was tendered on 7th April 2017.

11. It further says that the office in its noting states that the Award in the matter was announced on 31st May 2007 and the reference was filed after on 7th April 2017, *i.e.*, almost after a period of 10 years.

12. In such an eventuality, even though a reference is made to Section 30-31 of the Act of 1894, the Land Acquisition Collector was of the opinion that inspite of order dated 8th March 2017, passed in exercise of powers under Section 30-31 of the Act of 1894, it has to be held that the reference petition was time barred.

13. If we appreciate the aforesaid observations in the light of the provisions of Section 18 of the Act of 1894, being read down by the Hon’ble Apex Court in the matter of *Madan & Anr. (supra)*, we are required to be of the view that the limitation in the matter of reference



under Section 18 of the Act of 1894 shall commence from the date the proceedings under Section 30-31, of the Act of 1894, are culminated.

14. In the case in hand, the Section 30-31 proceedings are decided on 8th March 2017, whereas the proceedings were initiated by the present petitioner under Section 18 of the Act of 1894 on 7th April 2017.

15. In the aforesaid background, it has to be held that the proceedings initiated by the petitioners were within the period of six months from the date the Section 30-31 proceedings were decided and terminated in favour of the petitioner.

16. That being so, it has to be held that the proceedings initiated by the petitioner under Section 18(2) of the Act of 1894 are well within the limitation.

17. That being so, we quash and set aside the impugned order dated 16th July 2018 and direct that the delay, if any caused, stands condoned in light of the authoritative mandate in the matter of **Madan & Anr.** (*supra*). The relevant paragraphs in the matter of **Madan & Anr.** referred above is worth referring to, which are as under:-

“12. 12. A cursory glance of the provisions of Sections 18 and 30 of the Act, extracted above, may suggest that there is some overlapping between the provisions inasmuch as both contemplate reference of the issue of apportionment of compensation to the Court. But, a closer scrutiny would indicate that the two Sections of the Act operate in entirely different circumstances. While Section 18 applies to situations where the apportionment made in the Award is objected to by a beneficiary there under,



Section 30 applies when no apportionment whatsoever is made by the Collector on account of conflicting claims.

In such a situation one of the options open to the Collector is to make a reference of the question of apportionment to the Court under Section 30 of the Act. The other is to relegate the parties to the remedy of a suit. In either situation, the right to receive compensation under the Award would crystallize after apportionment is made in favour of a claimant. It is only thereafter that a reference under Section 18 for enhanced compensation can be legitimately sought by the claimant in whose favour the order of apportionment is passed either by the Court in the reference under Section 30 or in the civil suit, as may be.

13. The decision of this Court in Dr. G.H. Grant Vs. The State of Bihar(supra) would also support the above conclusion. In the aforesaid case, an Award was made by the Collector on 25.3.1952. On 5.5.1952, the owner applied under Section 18 for a Reference to the court for enhancement of the compensation payable to him. While the matter was so situated, by notification dated 22.5.1952 issued under Section 3 of the Bihar Land Reforms Act, 30 of 1950, the estate of the owner vested in the State. The possession of the land was taken over on 21.08.1952 under Section 16 of the Act. On 15.10.1952, a Reference under Section 30 was sought on behalf of the State. After noticing the different situations in which the provisions of Sections 18 and 30 of the Act would apply, this Court proceeded to hold the Reference sought by the State of Bihar under Section 30 of



the Act to be competent in law on the ground that after the award was passed by the Collector the land had vested in the State by virtue of the notification dated 22.5.1952 under Section 3 of the Bihar Land Reforms Act, 1950. On a logical extension of the principle laid down in Dr. G.H. Grant Vs. The State of Bihar (supra) the State would have been entitled in law to claim enhanced compensation under Section 18 of the Act once its entitlement to receive such compensation is to be decided in its favour under Section 30. This is what has happened in the present case.”

18. In that view of the matter, the writ petition stands allowed in terms of prayer clauses ‘a’ and ‘b’.

19. We direct that the pending reference of the petitioners be forwarded to the Court within a period of four weeks from the date of production of this order.

20. A copy of this judgment be uploaded on the website of this Court forthwith.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

NOVEMBER 14, 2025/ay/as