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

+ W.P.(C) 10320/2019

SHRI KARTAR SINGH AND ORS.Petitioners

Through: Mr. J.B. Mudgil, Advocate.

versus

GOVT. OF N.C.T. OF DELHI AND ANR.Respondents

Through: Mr. Sanjay Kumar Pathak, Standing Counsel for LAC/L&B/GNCTD with Mrs. K K Kiran, Mr. Sunil Kumar Jha, Mr. M.S. Akhtar, Mr. Divakar Kapil, Advs.
Mr. Askini Shokeen and Mr. Aryan Shokeen, Advocates in CM Appl No.2343/2023 for proposed petitioner nos. 5 and 6

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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10.12.2025

1. We have heard counsel for petitioner.
2. It is the case of petitioner that the Section 4 notification, which led to the acquisition of his land, was the same as that considered in the judgment of Reference Court dated 11th November 2016 in *Shanti Devi v. UOI & DDA*, as well as the judgment dated 16th November 2016 in *Bhagwan Singh & Anr. v. UOI & DDA*. As such, it is urged that petitioners are entitled to the same benefit in view of the statutory mandate under Section



28A of the Land Acquisition Act, 1894 (*'Act of 1894'*).

3. He would submit that delay, if any, caused in preferring the reference, ought to be condoned by the Additional District Magistrate. As such this Court must condone the delay and direct the respondent to release claim of petitioner under Section 28A of the Act of 1894.

4. Specific reliance has been placed on judgment in the matter of ***Banwari & Ors. v. Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and Anr.***, Civil Appeal No.13348/2024 arising out of Special Leave Petition (Civil) No. 12221 of 2022, decided on 10th December 2024.

5. It is urged that this Court, in such an eventuality, should condone the delay and direct respondent to release claim of petitioner under Section 28A of the Act of 1894.

6. As against above, it is claimed that scheme of Section 28A of Act of 1894 is administrative, and the Court is not armed with statutory powers to order condonation of delay in preferring an application under Section 28A of the Act of 1894.

7. According to *Mr. Sanjay Kumar Pathak*, the issue is squarely covered by the judgment delivered by the Division Bench of this Court in the matter of ***Balwan Singh & Ors. v. Government of National Capital Territory of Delhi & Anr.***, 2025 SCC OnLine Del 1163.

8. We have considered the rival claims.

9. The fact remains that in the matter of ***Banwari & Ors. (supra)***, cited by counsel for petitioner, the Court noted that the claim was preferred within the limitation period prescribed under Section 28A of the Act of 1894.

10. Apart from the above, the other judgment cited by petitioner concerns



the exercise of powers by the Apex Court in condoning delay under Article 142 of the Constitution of India.

11. An exception to the doctrine of precedent applies to orders passed under Article 142 of the Constitution of India; such orders cannot be treated as binding law to infer that the High Court is similarly armed with power to condone the delay.

12. Apart from above, having regard to the fact that claim of petitioners was admittedly time barred, as could be inferred from the date narrated in the impugned order dated 8th March 2018, the claim was preferred beyond the limitation prescribed under Section 28A of the Act of 1894.

13. In our opinion, no case for causing interference is made out.

14. Accordingly, the petition stands dismissed.

15. Pending application, if any, is rendered infructuous.

16. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

DECEMBER 10, 2025/sm/zb