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

+ **W.P.(C) 15127/2022**

SHRI SANJAR FAZAL ALAM AND ORSPetitioners

Through: Mr.S.K. Rout, Adv. with Ms.Farha Naaz, Mr.Devender Verma, Mr. Rahul Kumar, Ms. Parmita Nath and Mr.Aman Mehrotra, Advs.

versus

UNION OF INDIARespondent

Through: Mr. Sanjay Kumar Pathak, SC with Mr. Sunil Kumar Jha and Mr. M.S. Akhtar, Advocates for UOI/LAC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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06.05.2025

CM APPL. 27421/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 27422/2025 (for modification of order dated 21.01.2025).

3. This is an application seeking clarification/modification of an order dated 21.01.2025 passed by Coordinate Bench, whereby the writ petition was disposed of with liberty to the petitioner to move an appropriate application before the concerned Additional District Judge for the purpose of forwarding the reference under Section 30/31 of the Land Acquisition Act, 1894.



4. Submission of learned counsel for the petitioners is that if a reference is to be made under Section 30/31 of the said Act, it is the Collector, who needs to be approached and it is only thereafter that the Collector shall refer the matter to the Court. Section 30 of the Land Acquisition Act, 1894 is extracted below:

“30. Dispute as to apportionment - When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the Collector may refer such dispute to the decision of the Court.”

5. On perusal of the afore-quoted provision of Section 30, it is clear that a party raising a dispute as to the apportionment of the amount of compensation settled under Section 11 has to approach the Collector for making a reference of such dispute to the decision of the Court.

6. Learned counsel representing the respondents does not have any objection to the prayers made in the application.

7. Thus, the order dated 21.01.2025 is modified and it is provided that the petitioners shall be at liberty to move appropriate application for making a reference under Section 30/31 of the Land Acquisition Act, 1894 to the Land Acquisition Collector, who shall consider the said application for making a reference to the Court under Section 30/31 of the said Act.

8. The application stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MAY 6, 2025
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