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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13992/2023**
SMT. RAJO DEVI DHARMATMA TRUSTPetitioner

Through: Ms. Jyoti Tyagi and Ms. Priya Shukla
for Mr. Yeeshu Jain, ASC

versus

UNION OF INDIARespondent

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr. K.K. Kiran Pathk,
Mr. Sunil Kumar Jha, Mr. M.S.
Akhtar, Mr. Mayank Madhu and Mr.
Sami Sameer Siddiqui, Advocates

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
07.04.2025

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1. Heard the learned counsel for the parties.
2. By instituting the proceedings of this petition, a prayer has been made to issue a direction to pay the enhanced compensation in terms of the award/judgment dated 13.12.2022 passed by the learned Reference Court by which the co-owner of the land in question is said to have been granted enhanced compensation.
3. Section 28A of the Land Acquisition Act, 1894 provides a complete statutory procedure and mechanism for claiming enhanced compensation by a land owner seeking parity with an award where another land owner is granted



enhanced compensation by the Reference Court.

4. Section 28A provides that if the Court allows an applicant any amount of compensation in excess of the amount awarded by the Collector under Section 11, the persons interested in all other lands covered by the same notification under Section 4 of the Land Acquisition Act and aggrieved by the award of the Collector, may apply to the Collector within three months from the date of award requiring him that amount of compensation payable to them may be re-determined on the basis of amount of compensation awarded by the Court. Sub-Section 2 provides that the Collector, on receipt of an application from the aggrieved party, shall conduct an enquiry and make an award determining the amount of compensation payable to such applicants.

5. It has been stated by Mr. Pathak, learned counsel representing the Land Acquisition Collector that the award/judgment dated 13.12.2022 with which parity has been sought by the petitioner for payment of enhanced compensation has been challenged before this Court in an appeal filed by Union of India bearing LA APP No. 592/2023 titled *UOI vs. Prakash Chand (Decd) Thru LRs & Anr.*

6. He has also stated that as per the law laid down by the Hon'ble Supreme Court in ***Bharatsing & Ors. vs. State of Maharashtra and Ors, (2018) 11 SCC 92***, an application moved under Section 28A has to await the result of the appeal filed against the award, in respect of which parity is being sought.

7. It has been stated by learned counsel for the petitioner that application under Section 28A has been made to the Land Acquisition Collector concerned on 21.09.2023, a copy of which has been enclosed with the Writ Petition as Annexure P-4.



8. Accordingly, in view of the law laid down by Hon'ble Supreme Court in ***Bharatsing*** (*supra*), we dispose of this writ petition with the direction to the Land Acquisition Collector concerned, to defer the proceedings under Section 28A instituted on the basis of the application dated 21.09.2023 moved by the petitioner till the appeal i.e. LA APP. 592/2023 is finally decided.

9. It is further directed that depending on the outcome of the appeal, the application made by the petitioner dated 21.09.2023 shall be considered and decided with expedition.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

APRIL 7, 2025

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