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

+ **W.P.(C) 13493/2025**

RAMESH PRAKASH

.....Petitioner

Through: Mr. L.B. Rai, Mr. Kartik Rai, Mr.
Vinesh Tyagi and Mr. Satvik Rai,
Advs.

versus

**UNION OF INDIA THROUGH LAND ACQUISITION
COLLECTOR**

.....Respondent

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran Pathak,
Mr. Sunil Kumar Jha and Mr. Divakar
Kapil, Advs. for LAC/L&B/GNCTD.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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18.11.2025

1. Proceedings under Sections 30/31 of Land Acquisition Act, 1894 (hereinafter, '*Act of 1894*') were taken up against award dated 26th March 2012, and it is the case of petitioner that he received compensation on 20th March 2024.
2. According to him, reference under Section 18 of the Act of 1894 was preferred on 18th June 2024, which came to be dismissed by impugned order, which found the same to be contrary to Section 18(2) of the Act of 1894, as being barred by limitation.
3. Counsel for petitioner has contended that limitation shall start from the date the petitioner received compensation, post adjudication of



apportionment, as contemplated under Sections 30/31 of the Act of 1894.

4. He has further claimed that in such an eventuality, he is entitled to file reference under Section 18, within a period of six months as contemplated under Section 18(2), from the date of receiving compensation *i.e.* 20th March 2024.

5. He has further claimed that reference was submitted within six months *i.e.* on 18th June 2024. Therefore, the impugned order goes contrary to the very scheme of Section 18(2) of the Act of 1894.

6. Reliance has also been placed on the judgment of Apex Court in the matter of ***Madan & Anr. v. State of Maharashtra***, 2014 (2) SCC 730.

7. *Mr. Sanjay Kumar Pathak*, learned Standing Counsel for the respondent has urged that, since the remedy under Section 18 was very much available to petitioner and the fact about deposit of compensation, not being adequate, was already known to him. Therefore, in these circumstances, it was open for him to file reference within six months from the date of award *i.e.* 26th March 2012, and as such, dismissal of this petition is sought.

8. We have appreciated the submissions.

9. Paragraph 11 of the judgment of Apex Court in the matter of *Madan & Anr.* (supra) reads as under:

“11. A cursory glance at 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 thereunder, 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 crystallise 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."

(emphasis added)

10. After appreciating the claim put forth by petitioner, in the aforesaid background, it is apparent that limitation for submitting reference under Section 18(2) shall start from 20th March 2024, which is the date on which after adjudicating, the right *qua* the apportionment of compensation under Sections 30/31 of the Act of 1894, attained finality and compensation was received by petitioner on 20th March 2024.

11. In such an eventuality, reference submitted under Section 18 on 18th June 2024 was well within time *i.e.* within a period of six months, as contemplated under Section 18(2) of the Act of 1894.

12. In our opinion, the impugned order suffers from illegality and goes contrary to the aforesaid mandate given by Apex Court in the matter of *Madan & Anr.* (supra).

13. That being so, the impugned order passed by Land Acquisition Collector is not sustainable and therefore, the petition stands allowed.

14. Impugned order dated 29th August 2024 is quashed and set aside.

15. It is declared that the reference preferred under Section 18 by the



petitioner is within the limitation prescribed under Section 18(2) and Land Acquisition Collector is accordingly directed to forward the same to the competent Civil Court, within a period of 4 weeks from the date of production of this order.

16. Petition stands allowed accordingly, and disposed of in the above terms.

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

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 18, 2025/MK/sp