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

+ W.P.(C) 2033/2015

MANDIR SITA RAMJI

.....Petitioner

Through: Mr. Ravi Raghunath and Mr.
Namanjeet S. Bhatia, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Bhagvan Swarup Shukla, CGSC
with Mr. P. Kumar Singh, Adv. for
UOI.

Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran Pathak,
Mr. Sunil Kumar Jha and Mr. M.S.
Akhtar, Advs. for R-1 & 2.

Ms. Manika Tripathy, Standing
Counsel for DDA with Mr. Gautam
Yadav, Adv.

Mr. Vivek Sharma, Mr. Kalyan Dutt,
Mr. Abhay Singh and Mr. V.K.
Mehra, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **25.09.2025**

1. This petition has been filed by the landowner whose land was acquired under the Land Acquisition Act, 1894 (*'Act of 1894'*) vide award under Section 11 dated 26th July 2007.

2. Petitioner sought enhancement of compensation under *Section 18* of the Act of 1894, and accordingly a reference is informed to be pending. In the aforesaid pending reference, petitioner moved an interim application seeking enhancement of compensation pursuant to the provisions of the *Right to Fair Compensation and Transparency in Land Acquisition*,



Rehabilitation and Resettlement Act, 2013 (**'Act of 2013'**). Such prayer was rejected by the Reference Court *vide* impugned order dated 21st November 2014, wherein the Reference Court relied on the judgment of the Apex Court in ***Pune Municipal Corpn. v. Harakchand Misirimal Solanki***, (2014) 3 SCC 183.

3. It is the contention of counsel for petitioner that the law laid down in ***Pune Municipal Corpn. (supra)*** has undergone a change in view of the subsequent Apex Court's judgment in ***Indore Development Authority v. Manoharlal***, (2020) 8 SCC 129. As such, he submits that he may be permitted to approach the Reference Court afresh to advance his grievance in accordance with law.

4. Counsel for respondent no.4 supports the aforesaid contentions, whereas counsel appearing for the acquiring body and the Land Acquisition Collector (**'LAC'**) oppose the aforesaid prayer as according to them in pending Section 18 reference, the proceedings under Act of 2013 are not maintainable.

5. We have considered the aforesaid submissions.

6. It is not in dispute that the LAC had deposited the amount in the pending reference proceedings having regard to the statutory mandate under Section 31 of the Act of 1894.

7. Petitioner raises a dispute on the issue as to whether compensation could be deposited with Reference Court under Section 31 of the Act of 1894 and whether such amount could have been deposited in the Section 18 proceedings.

8. However, once proceedings under Section 18 of the Act of 1984 are under consideration and pending adjudication; all the issues which are



sought to be canvassed can be considered by the Civil Court while dealing with the reference in accordance with law.

9. Contention of petitioner that the rejection of prayer for grant of compensation under Act of 2013 based on a position of law which has undergone change is borne out from the record.

10. That being so, the order impugned dated 21st November 2014 is hereby quashed and set aside.

11. We deem it appropriate to permit petitioner to canvass his grievance in the matter of enhancement of compensation, which is pending consideration before the *Additional District Judge-01, East District, Karkardooma Court, Delhi*, in accordance with the mandate under Section 18 read with Section 31 of the Act of 1894.

12. Needless to clarify, the without prejudice claim put forth by petitioner, that he is entitled for compensation under the Act of 2013 be also considered in the light of the judgment of Apex Court in *Indore Development Authority v. Manoharlal (supra)*.

13. Let such decision be taken without being influenced by the order dated 21 November 2014 passed by the learned Additional District Judge.

14. Accordingly, the petition stands disposed of.

15. Pending applications, if any, are rendered infructuous.

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

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

SEPTEMBER 25, 2025/MK/zb