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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12050/2015 & CM APPL. 24698/2025, CM APPL.
52475/2025, CM APPL. 57874/2025, CM APPL. 57875/2025
DELHI JAL BOARDPetitioner

Through: Mr. Sunil Satyarthi, Ms. Archisha
Satyarthi, Mr. Amitanshu Satyarthi,
Mr. Kaibalya Kumar Ojha,
Advocates.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Sanjay Kumar Pathak, Standing
Counsel along with Mrs. K.K. Kiran
Pathak, Mr. Sunil Kumar Jha, Mohd.
Sueb Akhtar, Advocates for R-
1/LAC.
Mr. Daleep Dhyani, Advocate for R-
6.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
23.09.2025

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1. The acquiring body for whose public purpose, the land had been acquired, has approach this Court with following prayer:

“(i) Grant appropriate writ, order or direction quashing the award NO.F.14(7)04/LAC(E)/184 Village Kondli dated 3.7.2012 signed on 27.7.2012 passed by respondent no.1 in LAC award no.67/82-83 of Village Konldi, East Delhi, Delhi in re: PREM CHAND & OTHERS VS. U.O.I. & OTHERS and direct dismissal of application U/S.28A of Land Acquisition Act of the respondent no.2 to 6 for redetermination of



compensation and grant further writ, order or direction directing quashing of the order NO.F.14(7)LAC(E)/2013/1589 passed by respondent no.1 on 23.10.2013 on application for review filed by the petitioner herein and directing that the respondents no.2 to 6 are not entitled to any enhancement in compensation and granting an order or direction to dismiss the application U/S.28A of L.A. Act as not maintainable on behalf of the respondent no.2 to 6.”

2. Paragraph no.4 of the Writ Petition provides for Notification under Section 4 of the Land Acquisition Act, 1894 (**‘Act of 1894’**) the same reads thus:

“4. That the respondent no.1 is the authority who acquired land comprising in khasra nos.389min (0-6) total area measuring 01 bigha 06 biswas) situated in village Kondli, Delhi through award no.67/82-83 notified under Section 4 of the Land Acquisition Act on 25.2.1981. The respondents no.2 to 6's land formed part of acquired land under the said award.”

3. In the aforesaid background, it is the contention of counsel for petitioner that the Land Acquisition Collector (**‘LAC’**) had passed an award whereafter the enhancement of compensation was ordered by the Apex Court in the matter of **DDA v. Bali Ram Sharma** (2004) 6 SCC 533.

4. As per counsel for petitioner, the acquiring body has objected to grant of compensation as was sought to be determined by the LAC stating that the it had committed an error in granting compensation at higher rate in matter of re-determination of compensation. As such, it has been prayed that the award in question is liable to be quashed and set aside, including the benefit as claimed under Section 28A of the Act of 1894.

5. As against above, counsel for landowners contends that, leaving aside



the question of the acquiring body's *locus standi* to file a writ petition under Article 226 of the Constitution of India, 1950 challenging the award as well as the proceedings under Section 28A of the Act of 1984, the fact remains that the enhancement was granted by the Apex Court. It is further submitted that the order of the Apex Court granting enhanced compensation under Section 28A of the Act of 1984 has attained finality.

6. Petitioner had never sought review of the aforesaid judgment and as such the respondents/landowners were justified in invoking provisions of Section 28A of Act of 1894.

7. We have considered the aforesaid submissions.

8. The fact remains that the award passed on 03rd July 2012 by the LAC pertains to village *Kondli, Delhi*, which was re-determined on 23rd October 2013.

9. It appears that the notification under section 4 was issued on 25th February 1981, as could be inferred from the *paragraph 4* referred above.

10. The fact remains that the Apex Court in the matter of **DDA v. Bali Ram Sharma & Ors** (*supra*) has determined the enhanced compensation in exercise of powers under Section 28A of the Act of 1894, in relation to the land acquired under same Section 4 Notification i.e. 25th February 1981.

11. *Paragraph no.6* of the said judgment reads thus:

“6. The lands, which are the subject-matter of these appeals are acquired for the same purpose as in the aforementioned appeals, but the Notification under Section 4(1) of the Act was issued on 25.2.1981, i.e., subsequent to 4(1) Notification dated 17.11.1980. Obviously, there would be escalation of prices in regard to these lands. Hence, we think it just and appropriate to give 5% increase in the market value in



respect of lands in these appeals. In the result these appeals are also allowed and the impugned judgments are modified by reducing the amount of compensation from Rs. 345/- per sq. yard (amounting to Rs.3,45,000/- per bigha) to Rs. 76,550/- per bigha + 5% escalation. The respondents are entitled to statutory benefits available under the Act based on the amount of compensation as modified above. No costs.”

12. Once the Apex Court has granted enhanced compensation pursuant to provisions of Section 28A of the Act of 1894, based on same Section 4 notification dated 25th February 1981, in relation to same village i.e. *Kondli*, we are of the opinion that respondents were justified in invoking the provisions of Section 28A of the Act of 1894.

13. Merely because the acquiring body has raised an objection before the LAC, by itself, cannot be considered as an impediment in the claim put forth by respondents/landowner, in view of the provisions of sub-Section 1 of Section 28A of the Land Acquisition Act, 1894.

14. Once it is demonstrated by respondents that under same Section 4 notification dated 25th February 1981 in relation to village *Kondli, Delhi*, the Apex Court in the ***DDA v. Bali Ram Sharma & Ors*** (*supra*) judgment has granted enhanced compensation under Section 18 of the Act of 1894, the provisions of sub-Section 1 of Section 28A are rightly invoked and Section 28A, in such circumstances, is squarely applicable to the factual matrix of the present case.

15. Since the petitioner has not questioned the judgment of the Apex Court in the matter of ***DDA v. Bali Ram Sharma & Ors***. (*supra*), wherein the compensation at enhanced rate under Section 28A of the Act of 1894 was granted in relation to the landowner, whose land was acquired under the



same Section 4 Notification, we are of the view that the claim put forth by petitioner questioning the award in the form of re-determination or that of the proceedings under Section 28A and Section 18 of the Act of 1894 cannot be sustainable in law. That being so, the petition is devoid of merit and as such stands disposed of.

16. The legal representatives of the respondent/landowner are permitted to be brought on record for whom *Mr. Daleep Dhyani, Advocate* waives notice.

17. The previous order imposing cost is recalled.

18. Pending applications are disposed of in above terms.

19. The date already fixed before the Registrar i.e. 13th November 2025, stands cancelled.

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

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

SEPTEMBER 23, 2025/ak/zb