$~32 to 37, 39, 47, 48, 50 & 51

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

Date of decision: 30th March, 2026
Uploaded on: 2nd April, 2026

~32

\+ **W.P.(C) 4001/2026 & CM APPL. 19603/2026**

MAHENDER KAUR & ORS. .....Petitioners

versus

UNION OF INDIA .....Respondent

~33

\+ **W.P.(C) 4002/2026 & CM APPL. 19604/2026**

KARNAIL SINGH & ORS. .....Petitioners

versus

UNION OF INDIA .....Respondent

~34

\+ **W.P.(C) 4003/2026 & CM APPL. 19606/2026**

GURMEET SINGH .....Petitioner

versus

UNION OF INDIA .....Respondent

~35

\+ **W.P.(C) 4014/2026 & CM APPL. 19648/2026**

PREM KAUR .....Petitioner

versus

UNION OF INDIA .....Respondent

~36

\+ **W.P.(C) 4018/2026 & CM APPL. 19653/2026**

JEET KAUR & ORS. .....Petitioners

versus

UNION OF INDIA .....Respondent

~37

\+ **W.P.(C) 4028/2026 & CM APPL. 19679/2026**

AMARJEET SINGH .....Petitioner

versus

UNION OF INDIA .....Respondent

~39

\+ **W.P.(C) 4036/2026 & CM APPL. 19689/2026**

KARNAIL SINGH & ORS. .....Petitioners

versus

UNION OF INDIA .....Respondent

~47

\+ **W.P.(C) 4085/2026 & CM APPL. 20018/2026**

GURBAKSH SINGH .....Petitioner

versus

UNION OF INDIA .....Respondent

~48

\+ **W.P.(C) 4086/2026 & CM APPL. 20019/2026**

KARNAIL SINGH & ORS. .....Petitioners

versus

UNION OF INDIA .....Respondent

~50

\+ **W.P.(C) 4121/2026 & CM APPL. 20130/2026**

GURNAM SINGH & ORS. .....Petitioners

versus

UNION OF INDIA .....Respondent

~51

\+ **W.P.(C) 4131/2026 & CM APPL. 20150/2026**

NISHAN SINGH & ORS. .....Petitioners

versus

UNION OF INDIA .....Respondent

Appearance:

For the Petitioners:-

Mr. Vinay Kumar Khanna, Mr. Mahesh Thakur, Mr. Vibhav Chaturvedi, Mr. Narveer Yadav, Mr. Siddhartha Sati & Ms. Ruchi Kumari, Advs.

For the Respondents:-

Mr. Sanjay Kumar Pathak, SC with Mr. M.S. Akhtar, Ms. Joohu Kumari, Advs. for LAC.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. These are various writ petitions which have been filed by original landowners/their legal heirs seeking fair market value in respect of acquired lands falling in village Jaitpur.

3. A notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter, 'the Act') was issued on 2nd June, 1989 for acquisition of the land to the extent of 729 *bighas* 10 *biswas* situated in village Jaitpur for public purposes *i.e.,* for the construction of ash pond of Badarpur Thermal Power Station.

4. This was followed by a notification under Section 6 of the Act which was issued on 10th July, 1989. Pursuant to the aforesaid notifications, Award No. 2 of 1990-91 of village Jaitpur was passed on 26th April, 1990 by Land Acquisition Collector, Delhi *(hereinafter, 'the award')*.

5. In the said award, the market value of the land in village Jaitpur was determined at Rs.12,000/- per *bigha*, along with the following statutory benefits:

> i. Solatium @ 30% of the market value;
>
> ii. Additional amount under Section 23(1) of the Act @ 12% from the date of preliminary notification till the date of possession;
>
> iii. Interest @ 9% from the date of possession till the date of announcement of award under Section 34 of the Act.

6. Aggrieved by the award, the landowners had filed respective references under Section 18 of the Act. The matter was referred to the Reference Court on the adequacy of compensation. The Reference Court, *vide* separate judgements had assessed the market value of land at Rs. 4,65,000/- per acre.

Relevant portion of the judgment of the Reference Court dated 31st August, 1991 pertaining to ***W.P.(C) 4001/2026*** is as follows:

> *"[...]*
>
> *7. **The market value of land in question is here by assessed @ Rs.4.65 lacs per acre, and the petitioner is accordingly, held to be entitled to receive enhanced compensation @ Rs.4.65, lacs per.** The petitioner shall also be entitled to in addition to market value of the land and amount calculated at the rate of @ 12% p.a. on such market value for the period commencing on and from the date of publication of the notification under section 4 sub section(I) in respect of the such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier. The petitioner shall further be entitled to an amount equivalent to 30% of the market, value of the land in consideration of the compulsory nutate of the acquisition known as solatium. They should also be entitled to interest @ 9% p.a. for one year and enhanced amount of compensation from the date of profession of land and the thereafter interest, @ 15% p.a., till the date of payment. However, the amount paid if any shall be deducted, let a copy of the judgement be sent to LAC for information and for making arrangements to make deposit in court within two months for today."*

7. Thereafter, a batch of Regular First Appeals were filed challenging the judgements by the Reference Court, the lead matter being ***RFA No. 78/1992*** titled ***'Richhpal Singh v. Union of India'***. In the said appeal, *vide* common judgement dated 18th January, 2001, the Division Bench of this Court had remanded the matter and observed as under:

"[...]

The facts are apparent and need no further elaboration Circumstances do suggest that the claimants felt agitated by the action of the Collector Land Acquisition in fixing market value at Rs 12,000/- Per bigha instead of and in place of Rs. 4.65 lakhs per acre. By the time the Collector made and published his award Delhi Administration had already come out with a Policy of fixing minimum market value of the lands in entire Delhi @ Rs. 4.65 lakhs per acre. Claimants did not accept this amount of Rs.4.65 lakhs per acre to be the fair market value as on the date of publication of notification under Section 4 (1) of the Act. They did make a mention of this fact in their petitions seeking reference to the court saying that the Land Acquisition Collector should not have announced the award on 26.04.1990 at 4.00 PM. after the policy of minimum price in Delhi was announced by Lt. Governor on the same day. In any case Land Acquisition Collector ought to have assessed the market value at Rs.4.65 lakhs per acre. While making this reference claimants further stated in their reference application that fair market value of the land as on the date of the notification under Section 4 was not less than RS 1,000/- per sq. yard and accordingly sought reference for determination of the amount of compensation. It appears that because of the agitation of the claimants the Collector while forwarding references to the Court incorporated a statement as an appendage to the statement of facts that Administration had decided to concede to the demands of the farmers to the extent of Rs.4.65 lakhs per acre. Needless to add that the demand of the farmers was not to the extent of Rs. 4.65 lakhs per acre but it was to the extent of Rs. 1,000/- per sq. yard."

XXX

> *Consequently the appeals are allowed. Is each case the impugned judgement of the reference court set aside. As there has been no trial of the references by the reference court inasmuch as no reply was filed by the respondent no issues were framed and no evidence was led.* ***In these circumstances, there is no option left except to direct remand of the referring petitions for being decided in accordance with law. Accordingly, the reference petitions are remanded to the reference court for being decided in accordance with law. Parties are directed to appear before the District Judge on 26.02.2001 on which date the District Judge will assign these cases to one presiding officer who will ensure that these cases are consolidated and decided by a common judgment in accordance with law.***
>
> *A certificate in accordance with Section 13 of the Court Fees Act, 1870 will be issued to the appellants in each cases enabling them to seek refund of the amount of court fee paid on the memorandum of appeals in accordance with law."*

8. Subsequently, the Reference Court, by a common judgment dated 28th February, 2005 in ***LAC No. 14/2001*** and connected matters had reassessed the market value of the land at Rs. 4,65,000/- per acre. The relief granted by the Reference Court is as under:

> *"*
>
> *10.* ***RELIEF****:* ***In view of findings on issue no. 1 & 1A above the petitioners are entitled to compensation only @ Rs.4.65 lacs per acre as per the statement annexed with the reference petitions conceding the demand for payment @ Rs. 4.65 lacs per acre.*** *The petitioners are accordingly entitled to 30% solatium on the market value of land fixed at*

Rs.4.65 lacs per acre. Petitioners shall be further entitled to additional amount of 12% on the market value fixed in this case u/s 23-1(A) of the Act from the date of notification u/s 4 of the Act to the date of dis-possession or award whichever is earlier. Petitioners shall also be entitled to interest on the market value of the land fixed by this Court u/s 28 of the Act at 9% per annum from the date of award or dis-possession whichever is earlier till the expiry of one year and thereafter at 15% per annum till payment.

Petitioners are further entitled to interest on solatium and additional amount in terms of judgment of Hon'ble Apex Court entitled Sunder vs UOI reported in DLT 2001 (SC) 569. While making the calculations due regard shall be made to deduct the amount initially arrived at by the LAC to avoid any duplication…"

9. The said judgement dated 28th February, 2005 has also been upheld by this Court *vide* final judgment dated 27th April, 2006 in ***L.A.Appeal.No. 362/2005*** and connected matters, wherein the Court has observed as under:

*"11. **<u>The amount of compensation awarded by the Collector @ Rs.4.65 lacs per acre is in accordance with the policy of the government and in any case the reference court cannot interfere with the order of the Collector to reduce the compensation awarded by the Collector. The amount awarded by the Collector can also be justified with reference to the evidence led by the claimants themselves before the Collector.</u>** During the pendency of the proceedings before the Collector, the Union of India had produced 9 sale deeds which were registered during the year 1988 on the average of which the land was sold @ Rs.9,864.08 per bigha. The claimants (in the case of*

Lakhan Singh) had also produced a sale deed dated 24.12.1983 wherein the land measuring about 1 bigha formed part of Khasra No. 107/3 was sold for a sum of Rs. 49,000/- in Village Jatpur. Calculated on this basis the value of the land would be Rs. 2,03,840/- per acre as in the year 1983. Even if a reasonable increase is given for the period 1983 to 1989 (the year of notification of the land in question) still the reasonable fair market value of the land would fall below the amount awarded by the Collector. ***We are of the considered view that the compensation awarded by the Collector to the claimants and as affirmed by the Reference Court is the fair, reasonable market value of the land on the date of the notification. The reference court has neither fallen in error of law or appreciation of evidence in determining the market value of the land in question. In our opinion, the present appeals and even the reference petition filed by the claimants before the reference court is a case of 'no evidence' in support of their claims.*** *The claimants have miserably failed to discharge their onus before the Reference Court, thus, we find no merit in these writ petitions. The same are accordingly dismissed, while leaving the parties to bear their own costs."*

10. Pertinently, the said judgment dated 27th April, 2006 has not been challenged by the Petitioners, so the same has acquired finality and the final amount of compensation came to be fixed at Rs. 4,65,000/- per acre.

11. In the meantime, in respect of lands notified for acquisition in the area of Jasola, a judgment came to be passed in ***RFA 416/1986*** titled ***'Ram Chander and Ors. v. Union of India'*** and connected matters, wherein the market value of the land was fixed at Rs. 2,240/- per square yard, along with statutory benefits. The relevant portion of the said judgment dated 19th

October, 2001 is set out below:

> *"[...]*
>
> *In view of the above, the appeals are allowed with proportionate costs **holding the claimants entitled to compensation at the rate of Rs. 2240/- per sq. yard. Over and above the amount of compensation, the appellants will be paid solatium at the rate of 30% and interest at the rate of 9% p.a. for a period of one year from the date of Collector taking possession and thereafter at the rate of 15% p.a. till date of payment.** Interest will also be paid to the claimants/appellants on solatium in view of the decision of Supreme Court in Civil Appeal No. 6271/98 (Sunder v. Union of India) and other connected appeals decided on 19.09.2001."*

12. The aforesaid judgment dated 19th October, 2001 of the Division Bench was upheld by the Supreme Court *vide* judgment dated 20th April, 2022 titled ***Sh. Ram Chander (Dead) Through LRs v. Union of India,* [2022] 17 SCR 614**.

13. On the basis of the judgment in ***Sh. Ram Chander (Dead) Through LRs (Supra)***, the submission of Mr. Vinay Kumar Khanna, ld. Counsel for the Petitioners is that since Jaitpur and Jasola are situated in close geographical proximity to each other, the compensation amount for the acquired lands cannot be different. It is his submission that the Petitioners are entitled to enhanced compensation.

14. Further, ld. Counsel for the Petitioners has also placed reliance upon the decision of Supreme Court in ***Andanayya & Ors. v. Deputy Chief Engineer & Ors.* 2026 SCC OnLine SC 482**, wherein the Supreme Court had observed that re-determination of compensation can be sought, even if an

earlier reference was filed before the Reference Court. In this regard, ld. Counsel has relied upon paragraph 27 of the said judgement.

15. On the other hand, Mr. Sanjay Kumar Pathak, ld. Counsel for LAC submits that in ***Andanayya & Ors.(Supra)***, initially, the acquisition of land was challenged, the compensation amount was fixed, the matter was remanded and compensation was determined a second time.

16. Additionally, ld. Standing Counsel for LAC also submits that the determination of compensation at Rs. 4,65,000/- per acre in the present case, was also confirmed by the Division Bench of this Court. Thus, the same cannot be sought to be reopened in a tangential manner by relying upon a determination of compensation in respect of acquired land in Jasola.

17. Further, Mr. Sanjay Kumar Pathak, ld. Counsel for LAC also submits that the decision in ***Andanayya (supra)*** is distinguishable from the present case, as the said case was concerned with Section 28-A of the Act and the facts are different from the present case.

18. The Court has considered the matter. Insofar as the Petitioners are concerned, the initial determination of compensation was Rs. 12,000/- per *bigha* along with certain statutory benefits. This was challenged before the Reference Court and the same came to be enhanced to Rs. 4,65,000/- per acre, along with statutory benefits.

19. This second determination of compensation was made way back in 1992 and reaffirmed in 2005, and thereafter upheld in 2006. More than twenty years have passed since the compensation amount was determined and, in fact, the said amount may have been released to most of the landowners. At this stage, after twenty years, it would be impermissible for the Petitioners to seek re-determination of compensation on the basis of the decision in

Andanayya (supra).

20. In ***Andanayya (supra),*** the facts itself record that the initial determination of compensation was pending in a challenge by one set of landowners and thereafter the second set of landowners had sought enhancement of compensation by a separate application under Section 28-A of the Act.

21. The relevant paragraphs setting out the factual matrix in ***Andanayya (supra)*** are set out below:

> *"[...]*
>
> *2. The appellants in the present appeals are the landowners who have lost their land in the acquisition proceedings. They are aggrieved by the impugned judgment of the Division Bench of the High Court of Karnataka, wherein the second application filed by them before the Collector, seeking re-determination of compensation, has been rejected. The appellants had earlier sought re-determination of compensation on the basis of the award of the Reference Court and now seek further re-determination on parity with similarly placed landowners, in whose favor the High Court was pleased to pass an enhanced award.*
>
> *3. We have heard the learned counsel appearing for the appellants and the learned Additional Solicitor General of India (ASG), as well as the learned Senior counsel appearing for the respondents. Documents filed, judgments relied upon, and the written submissions have been perused and duly taken on record.*
>
> *4. Lands situated at Mavanoor Village, Hubballi Taluk, were acquired for the construction of the*

Hubballi-Ankola Broad Gauge Line. On 18.04.2002, a preliminary notification was issued under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as the "Act"). On 31.03.2003, respondent No. 2, who is the Land Acquisition Officer (hereinafter referred to as "the LAO"), passed an award under Section 11 of the Act, fixing compensation at Rs. 40,000/- per acre. Being dissatisfied with the amount awarded, some landowners sought a reference under Section 18 of the Act. The Reference Court awarded an enhanced sum of Rs. 2,00,000/- per acre as compensation, vide judgment dated 17.11.2006.

*5. **The appellants, who did not seek a reference, filed an application under Section 28-A of the Act on 01.02.2007, within 90 days from the date of the award of the Reference Court, seeking re-determination of their compensation based upon the award of the Reference Court in LAC Nos. 1-5/2003. During the pendency of the said application, appeals were filed before the High Court by some of the landowners, as well as by respondent No. 2, seeking enhancement and reduction of compensation, respectively. After the appeals filed by respondent No. 2 were dismissed by the High Court, vide order dated 06.08.2012, the first application filed by the appellants under Section 28-A of the Act was allowed on 02.04.2013, and their compensation was re-determined on the basis of the award of the Reference Court, even though the appeals filed by the landowners were still pending and came to be allowed by the High Court only on 22.07.2013, further enhancing the compensation to Rs. 3,50,000/- per acre.***

*6. **Upon receipt of knowledge of the award passed by the High Court, the appellants filed another*** *__application under Section 28-A of the Act on 25.11.2013, seeking re-determination of compensation on the basis of the enhanced award passed by the High Court in MFA No. 3289/2007 and MFA No. 3291/2007 dated 22.07.2013, presumably within the period of limitation, which is to be computed by excluding the time requisite for obtaining a copy of the award.__ In any case, the issue of limitation in filing the said application is not a matter of concern, before us, in the present appeals.*

7. __The second application made under Section 28-A of the Act was rejected by respondent No. 2, vide order dated 30.11.2013, on the ground that the appellants had already accepted the earlier compensation on 02.04.2013, as enhanced by the Reference Court and, that, they did not bring the pendency of the appeals before the High Court challenging the award of the Reference Court to the notice of the competent authority, even though one set of appeals was filed by respondent No. 2 itself__. It is also observed that in the said order passed by respondent No. 2, there is no indication of any delay on the part of the appellants in filing the second application, particularly, in light of the proviso to Section 28-A(1) of the Act. "

22. The decision in ***Andanayya (supra)*** has to be looked at in the context where the re-determination of compensation was actually pending before the competent authority and the appeals which were filed were also pending before the High Court.

23. Under these circumstances, the facts in ***Andanayya (supra)*** and the present cases are completely distinguishable. In the present cases, the re-determination of compensation at Rs. 4,65,000/- per acre along with other

statutory benefits has already attained finality *vide* the judgement dated 27th April, 2006, and the same cannot be sought to be re-opened in this manner, on the basis of the decision of the Supreme Court in ***Andanayya (supra)***.

24. Moreover, the judgement in ***Sh. Ram Chander (Dead) Through LRs (Supra)*** relating to land acquired in Jasola, and in the present cases, are on different facts. There cannot be any underlying commonality that can be claimed for re-determination of compensation in respect of the present land in village Jaitpur and the land which was acquired in the Jasola area.

25. Under these circumstances, if such a re-opening of compensation for acquired land is allowed in this manner, there would never be any finality to determination of compensation and this could lead to enormous uncertainty, especially when lands are acquired for public purposes.

26. It is accordingly held that the petitions are without merit and are accordingly dismissed. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

MARCH 30, 2026/b/sm