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

+ **W.P.(C) 13429/2023**

YADRAM

.....Petitioner

Through: Ms. Nitika Tyagi, Adv.
versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Mrinalini Sen, SC with Mr. Karan Mishra and Ms. Aditi Saxena, Advs.
Mr. Sanjay Kumar Pathak, SC with
Mr. Sunil Kumar Jha, Mr. Mohd Sueb Akhtar, Advs.

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CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **04.05.2026**

1. This hearing has been done through hybrid mode.
2. The present petitions have been filed by the Petitioners under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Land Acquisition Collector (hereinafter, 'LAC'), South-West District, New Delhi to refer the reference petition of the Petitioners before the concerned Court under Section 18 of the Land



Acquisition Act, 1894.

3. The case of the Petitioner is that reference petition under Section 18 of the Land Acquisition Act, 1894 has not been forwarded by the LAC. The basic defence of the LAC is that the challenge is extremely belated and hence, the same does not deserve to be referred to the concerned Id. District Judge.

4. The stand of the Delhi Development Authority (hereinafter, 'DDA') is that after the award dated 17th August, 2011, the Petitioner has challenged the acquisition after a lapse of 7 years.

5. The order dated 13th February, 2024 passed by the LAC is placed on record. Recently in **Sita Ram v. Union of India, 2026:DHC:3618-DB**, this Court has already held that in so far as cases where petitions are filed with delay, the view taken is that the delay is to be considered by the Id. District Judge as to whether whether the reference of the Petitioner would be maintainable or not. However, the LAC is free to put up its view before the Id. District Judge to this effect that the same is belated. The relevant portion of the decision in **Sita Ram (Supra.)** reads as under:

“9. Heard. A perusal of the prayer extracted hereinabove would show that the Petitioner prays for compensation in respect of the acquisition of the subject land, as well. The prayers sought read as under:

“a. to set aside the order of the Respondent dated 20.12.2017 and direct the Respondent to forward the Reference U / S - 30 - 31 of LA, Act, 1894 to the appropriate Civil Court for proper adjudication

b. To direct the Respondent to pay the compensation as per compensation awarded by the Reference District Court, Dwarka, New Delhi in same notification & Award to the Petitioner;



or

c. To pass any other/ further order/ relief which deem fit and proper according to the facts and circumstances of the case in his favour in the interest of justice;

It is prayed accordingly.”

10. In the opinion of this Court, the *Ld. Division Bench in W.P.(C) 7817/2017* titled **‘Chet Singh Rana v. Union of India’**, vide order dated 5th September, 2017, has held that even if there is an application under Section 18 of the Land Acquisition Act, 1894, which has been held as time barred, the said issue would have to be decided by the concerned reference Court and not at the level of the LAC. The relevant portion of the order dated 5th September, 2017 is set out below:

“Issue notice. Sh. Yeeshu Jain, Advocate accepts notice. The limited relief claimed in this petition under Article 226 of the Constitution is to set-aside an order of the respondent/LAC dated 31.01.2017, declining to forward the reference under Section 18 of the Land Acquisition Act, 1894 [hereafter “the 1894 Act”].

The Award in this case was made on 01.02.2012. The petitioner in this case requested for a reference on 15.01.2014. It was stated that the petitioner received the compensation on 28.11.2014 and he was in the dark till the impugned order, as to whether the reference had been forwarded to the competent court.

The LAC in the impugned order expressed the opinion that the application under Section 18 of the 1894 Act is time-barred and that in so saying he relied upon the provisions of Section 12(2) of the 1894 Act.



The respondent's counsel argued that the impugned order should not be interfered with given the mandate of the law and the fact that the LAC was competent to decide and pronounce upon the issue of limitation. It is also urged that the compensation under Sections 30/31 of the 1894 Act was rendered on 30.10.2013.

We have heard learned counsel for the parties. Without expressing any opinion on the merits of the issue of limitation, the Court is of the view that the reference petition – which is the only opportunity provided by law to a land owner to establish his case for higher compensation by leading evidence, should be forwarded under Section 18 of the 1894 Act. At the same time, it is open to the reference Court to decide the issue of limitation, if so raised by the respondent, in opposition to the maintainability.

In view of the above, the order dated 31.01.2017 is set-aside. The LAC shall also forward the reference to the competent court within six weeks. All questions of law, including the issue of limitation are kept open. The writ petition is allowed in the above terms.”

11. Recently, the order dated 5th September, 2017 has been followed by this Court in **W.P.(C) 2686/2018**, titled '**Anand Khanna v. Union of India**', wherein this Court vide order dated 23rd April, 2026 has held as under:

“[...]



14. After having perused the record, it becomes clear that upon the receipt of the compensation, the Petitioner sought enhancement thereof by filing the reference petition u/s 18 of the Act.

15. The same ought not to be dismissed simply in the manner as it has been done vide the impugned order.

16. The impugned order is, accordingly, set aside.

17. The reference petition filed by the Petitioner dated 19th December, 2011 shall now be sent to the concerned Id. District Judge for deciding the same, including the issue of limitation, in accordance with law.

18. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.”

12. Following the order dated 5th September, 2017 in **Chet Singh Rana (Supra)** and order dated 23rd April, 2026 in **Anand Khanna (Supra)**, this Court is of the opinion that the applications under Section 18 and 30-31 deserve to be sent by the LAC to the appropriate reference Court -albeit with a note that according to the LAC, the application is barred by limitation.”

6. In terms of the above decision, let the reference petition filed by the Petitioners under Section 18 of the Land Acquisition Act, 1894 be forwarded within four weeks, by the LAC to the concerned Id. District Judge with a note on the aspect of delay, if so required. The Ld. District Judge shall then proceed in accordance with law.



7. These petitions are disposed of along with pending applications if any.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

MAY 4, 2026/prg/ck