

**(2018) 01 DEL CK 0589**

**In the Delhi High Court**

**Case No :** Civil Writ Petition No. 8674 Of 2015

Ajay Kumar

APPELLANT

Vs

Land Acquisition Collector & Ors

RESPONDENT

---

**Date of Decision :** 30-01-2018

**Acts Referred:**

Constitution Of India, 1950 — Article 226  
Land Acquisition Act, 1894 — Section 18, 30, 31

**Citation :** (2018) 01 DEL CK 0589

**Hon'ble Judges :** G.S.Sistani, J; Sangita Dhingra Sehgal, J

**Bench :** Division Bench

**Advocate :** R.S.Rana, Siddharth Panda, Zahid Hanief, Naushad Ahmed Khan

**Final Decision :** Disposed Of

---

## **Judgement**

G.S.Sistani, J

1. Counter affidavit is stated to have been filed in the Registry on 29.01.2018. Let another copy of the same be supplied to the counsel for the petitioner.

2. With the consent of the parties, the writ petition is set down for final hearing and disposal.

3. This is a petition under Article 226 of the Constitution of India filed by the petitioner. The petitioner seeks a direction to respondent no.1/LAC

(North) to forward the reference of the acquired land bearing Khasra Nos.23/11 min (2-12) and 23/20 min (2-12) situated in the revenue estate of

village Harevli to the concerned court. The counsel of the petitioner submits that the father of the petitioner late Sh.Tek Ram was in the actual

physical and cultivatory possession of agricultural land bearing Khasra No.23/11 min (4-16), 23/12 (4-16), 23/16 (4-16), 23/17 (4-16), 23/19 (4-16) and

23/20 (2-16) situated in the revenue estate of Village Harevli, Delhi for the last more than 50 years. Counsel for the petitioner also submits that the

father of the petitioner had filed a writ petition being W.P.(C) 3257/1995 titled as Tek Ram vs. Deputy Commissioner, Delhi and Ors. seeking a

direction that his possession be recorded in the revenue records in accordance with the Delhi Land Revenue Rules. It is also contended that such

direction was issued on 30.05.2002. However, in spite of the aforesaid order, his name was not included in the revenue records. Counsel submits that

the petitioner was also forced to file another writ petition being W.P.(C) 806/2003 titled as Tek Ram vs. Union of India & Ors. seeking protection of

his possession over the subject land, which was disposed of vide order dated 31.01.2003 with various directions. Since the directions in both the writ

petitions were not complied with, another writ petition being W.P.(C) 3315/2008 titled as Tek Ram vs. UOI & Ors. was filed, which was disposed of

vide order dated 04.03.2009 and his physical possession was protected. He also submits that various petitions were filed by his late father for

correction of the Khasra Girdawaries with regard to the entry of possession of Tek Ram including:

- i) 345/RA/86 Tek Ram vs. GS Harevli
- ii) 139/SO (C) 95 Tek Ram vs. GS Harevli
- iii) 11/SO (C)/N/2002 Tek Ram vs. GS Harevli
- iv) 12/SO (C)/N/2002 Tek Ram vs. GS Harevli

4. It is the complaint of the petitioner that post the acquisition proceedings, an application was made on 12.07.2004 for withdrawal of the compensation

amount or in the alternate for making a reference to the Additional District Judge (ADJ) under Section 30-31 of the Land Acquisition Act, 1894

(hereinafter referred to as 'the Act') and for proper adjudication. Another application under Section 18 of the Act was made on 13.06.2006 for

enhancement of compensation, which has also not been considered.

5. Mr. Panda, counsel for the LAC submits that as per the record of the LAC, the petitioner is not the recorded owner and thus, no action has been

taken on his application under Section 18 of the Act, which was filed on 13.06.2006. Mr. Rana, counsel for the petitioner submits that the Land

Acquisition Collector (LAC) is a quasi-judicial authority and in case, for any reason, the application under Section 18 of the Act was to be rejected, he

should have followed the principles of natural justice and granted an opportunity of hearing to enable the petitioner to explain his stand and to enable him to produce court orders and other supporting documents.

6. At this stage, counsels for the parties agree that the LAC would issue a notice to the petitioner and grant him a personal hearing and thereafter pass a reasoned order within three months from the receipt of this order.

7. Before we part with the judgment, we cannot help but note that the office of the LAC did not take any action on the request of the petitioner dated

12.07.2004 and 13.06.2006. The explanation rendered as noted in para 5 above is most unsatisfactory and unacceptable as the petitioner has not been

informed in writing. We direct the Land Acquisition Collector to ensure that all the applications which are filed should be dealt with expeditiously and

within a reasonable period of time and in case, the applications are to be rejected, the order of rejection should be conveyed to the applicants.

8. With the aforesaid directions, the petition is disposed of.