

(2017) 11 DEL CK 0220

In the Delhi High Court

Case No : Civil Writ Petition No. 8380 Of 2017

Ashok Aggarwal

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 23-11-2017

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2017) 11 DEL CK 0220

Hon'ble Judges : G.S.Sistani, J;V.Kameswar Rao, J

Bench : Division Bench

Advocate : S.K.Rout, Vinay Kumar, Yeeshu Jain, Jyoti Tyagi

Final Decision : Disposed Of

Judgement

G.S.Sistani, J

1. Mr.Jain submits that it is not necessary to file reply to this petition.
2. With the consent of the parties the writ petition is set down for final hearing and disposal.
3. The petitioner seeks a direction to the Land Acquisition Collector, Distt. Shahdara to forward the reference petition filed on 05.05.2005 vide diary no. 287/ADM/(Shahdara) to the court of Additional District Judge.
4. As per the writ petition the petitioner is an interested person and in possession of the property bearing no.18A, Gali No.7, Friends Colony, Industrial Area, G.T.Road, Shahdara in the capacity of a tenant. It is further the case of the petitioner that his title has been decided by the court of Additional District Judge vide order dated 22.09.2014 wherein it has been held that the petitioner is entitled to 60% of compensation pertaining to the aforesaid plot measuring 150 sq. yds. which was acquired by an Award No.2/2007-08

dated 31.12.2007. The petitioner also claims that the possession of the land has been taken over and awarded compensation was received in the month of March, 2015 under protest.

5. Counsel for the petitioner submits that a reference petition was filed by the petitioner under Section 18 of the Land Acquisition Act, 1894 on

05.05.2015 which was diarised vide diary no.287/ADM/(Shahdara). Complaint of the petitioner is that despite his visits to office of the respondent to

enquire about the status of reference, no specific answer has been received. It is further complained that two years have lapsed but the reference has not been forwarded.

6. Mr.Yeeshu Jain, learned counsel for LAC submits that since the petitioner has not furnished the payment certificate, the matter is hanging fire. The

petitioner submits that no document has ever been demanded from him, nor he has been informed either orally or in writing.

7. We have heard the counsels of the parties.

8. The only relief sought by the petitioner is a direction to the LAC to forward the reference petition filed on 05.05.2015 to the court of Additional

District Judge. Filing of the reference petition is not disputed. We find no justification for the LAC in not considering the reference petition which has

been filed as far back as on 05.05.2015 vide diary no.287/ADM (Shahdara). The only reason pointed out by Mr.Jain for the delay is that the petitioner

has failed to supply a copy of payment certificate. In the absence of any communication addressed to the petitioner, we are of the view that the delay

is uncalled for and is not justifiable.

9. We make it clear that in future in case an application/petition is filed and the same is deficient in any manner, the LAC must inform the

applicant/petitioner regarding the deficiency in a reasonable period of time, as the delay not only causes prejudice to the rights of the petitioner but

valuable time of the Court is also wasted.

10. We direct the petitioner to appear before the Land Acquisition Collector on 05.12.2017 at 11 a.m. The Collector will consider the reference within

four weeks thereafter.

11. With the above directions, the writ petition is disposed of.