

(2011) 09 DEL CK 0396
In the Delhi High Court
Case No : CM (M) No. 1025 of 2011

Ravinder Gupta

APPELLANT

Vs

Murari Lal Gupta (deceased) through L.Rs. and Others

RESPONDENT

Date of Decision : 05-09-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2011) 09 DEL CK 0396

Hon'ble Judges : Indermeet Kaur, J

Bench : Single Bench

Advocate : B.S. Mathur and Rajni Singh, for the Appellant; Ajay Verma, for the Respondent

Final Decision : Dismissed

Judgement

Indermeet Kaur, J.—This petition has assailed the order of the Additional District Judge dated 07.08.2008 vide which the compensation on a Reference Petition u/s 18 of the Land Acquisition Act had been awarded in favour of the Petitioner Murari Lal Gupta. The Petitioner before this Court is Ravinder Gupta; he is the legal representative of one Jagan Nath Gupta who claimed himself to be the sole proprietor of Janta Housing Company; in the petition it has been averred that Jagan Nath Gupta had challenged the acquisition proceedings which writ petition had been dismissed in the year 1984; Land Acquisition Collector had pronounced his Award on 19.09.1986; Jagan Nath Gupta had received compensation on 24.10.1987. On specific query put to learned Counsel for the Petitioner, he has submitted that Jagan Nath Gupta had filed a Reference u/s 18 of the Land Acquisition Act; that Reference was admittedly not pursued and No. order has been passed on that Reference. The contention before this Court is that Murari Lal Gupta has received enhanced compensation qua 1/50th share in the compensation which was assessed in the name of Janta Housing Company; his contention is that the court below has exercised a jurisdiction which was not vested with it and such an order could not have been passed. This order was

admittedly passed on 07.08.2008. Contention of the Petitioner is that he did not know about this order till the year 2011. Besides the fact that this explanation is neither cogent and nor satisfactory, record further shows that a writ petition being W.P. (C) No. 4128/2011 had been filed on this very ground which writ petition has been disposed of on 03.06.2011. The High Court in this order of 03.06.2011 had noted that the father of the Petitioner has sought a Reference u/s 18 of the Land Acquisition Act; the Court had noted that since the record is not available, it is not possible to determine whether in fact the father i.e. Jagan Nath Gupta had filed a Reference or not; the Court had noted the enormous delay of 21 years in preferring the petition; as such no substantive relief had been granted to the Petitioner except for a direction to the Authority to locate the record to determine as to whether the father of the Petitioner namely Jagan Nath Gupta; this contention filed a Reference u/s 18 of the said Act or not. Grievance of the Petitioner in the present petition is that enhanced compensation has been passed qua the Reference of Murari Lal Gupta which was also the subject matter of W.P. (C) No. 4128/2011 which was disposed of on 03.06.2011 (para 1 of the order dated 3.6.2011) Learned Counsel for the Petitioner has failed to show as to how the Reference Petition disposed of on 07.08.2008 was an order passed without jurisdiction so as to be the subject matter of an assailment under Article 227 of the Constitution and that too after a lapse of three years. Issues had been framed and after the evidence had been led by the respective parties, the impugned order was passed; claim of Murari Lal Gupta qua 1/50th share has been established. This order as noted supra is dated 07.08.2008. Locus standi of the Petitioner is not discernable. Present petition is not maintainable.

2. Dismissed.

3. Order dasti.