

DLNT010006912012



IN THE COURT OF SH. SIDHARTH MATHUR
DISTRICT JUDGE (NORTH-01): ROHINI COURTS : DELHI
OLD LAC No. 185A/12 & NEW LAC No. 544/2016

In the matter of :-

Prem Singh (since deceased) through his LRs:

- | | | |
|------|-------------------|--------------|
| i. | Bimla Devi | widow |
| ii. | Vikas Mann | son |
| iii. | Anand Mann | son |

All R/o H. No. 304, Village & PO
Khera Khurd, Delhi – 110082.

- | | | |
|---|--------------|-----------------|
| iv. | Meena | daughter |
| W/o late Sh. Anand Dahiya
R/o H. No. 582/29, Gali No. 8,
Chaudhary Lane, Tilak Nagar,
Rohtak, Haryana. | | |

- | | | |
|---|--------------|-----------------|
| v. | Manju | daughter |
| W/o Sh. Sher Singh
R/o H. No. C-1/14, Vinod Puri,
Vijay Enclave, Dabri Palam Road,
Delhi – 45. | | |

.... Petitioners

Versus

- 1. Union Of India through**
Land Acquisition Collector/ADM (North)
D.C. Office Alipur, Delhi-110036.

- 2. Delhi State Industrial & Infrastructure Development**

Corporation (D.S.I.I.D.C)
through its Chairman/MD, N- Block,
Connaught Place, New Delhi

.... Respondents

Award No.	20/2002-03
Village	Khera Khurd
Notification U/S 4 LA Act	F.10(20)2000/L&B/LA /6640 dt.07.08.2000
Notification U/s 6 LA Act	F.10(20)2000/L&B/LA /8578 dt.11.09.2000
Date of possession	04.10.2000
Date of Announcement of LAC Award:	09.09.2002.

Date of Receipt of Reference : 24.05.2012

Date of Arguments : 05.05.2026

Date of Decision: 05.05.2026

**REFERENCE PETITION UNDER SECTION 18 OF THE
LAND ACQUISITION ACT 1894**

AWARD:

**(BY THE COURT U/S 26 OF LAND ACQUISITION ACT-
1894 ON REFERENCE PETITION U/S 18 OF THE ACT):**

1. This is a reference made by the Land Acquisition Collector (hereinafter referred to as 'LAC') under section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'LA Act'). The reference was initiated on a petition made by the petitioner who was aggrieved by the amount of compensation awarded by the LAC vide above-referred award.

2. As per the reference, a large tract of land measuring 591 bigha 10 biswa of village Khera Khurd, Delhi, was acquired by the Government for a public purpose namely “shifting of industrial units from city area of Delhi/ New Delhi”. A notification under Section 4 of The LA Act was issued on 07-08-2000. A Declaration under Section 6 The LA Act was made on 11-09-2000. Thereafter, above-referred award was announced by the LAC. The LAC determined the market price of the acquired land as Rs. 13.82 lacs per acre.
3. The petitioner, being dissatisfied with the market value determined by the LAC, filed the present petition u/s 18 of the LA Act, seeking reference to this court. The LAC forwarded the same to this Court for adjudication.
4. The case of the petitioner is that petitioner was the co-owner/co-bhumidhar of the land as mentioned in the Statement u/s 19 of the LA Act that was annexed with the present reference and admitted by the petitioner during the stage of admission/denial of documents, situated within the Revenue Estate of Village Khera Khurd, Delhi (the said land). The said land was acquired vide notification dated **07.08.2000**.

5. The petitioner has challenged the said award *inter alia* on the ground of inadequacy of compensation and incorrect assessment of market value of land *inter-alia* due to non-consideration of relevant factors like potentiality and fertility of the suit land, the surrounding colonies and developed areas, the market value of the adjoining areas/villages, the sale deeds of other lands of the contemporary period, nearness to the National Highway and industrial areas, the amenities available in the suit land etc.
6. The petitioner has prayed compensation at enhanced rate besides interest thereon and solatium in addition to the compensation.
7. The respondent no.1/the Union of India (UOI)/Land Acquisition Collector and respondent no.2/Delhi State Industrial & Infrastructure Development Corporation (DSIIDC) contested the reference petition by filing their respective Written Statements.
8. The petition has been contested mainly on the ground that the LAC awarded adequate compensation to the petitioner after taking into consideration all the relevant factors and therefore, LAC has correctly assessed the

market value of the land after taking into account the market rates prevailing at the time of notification under Section 4 of LA Act.

In written statement R-2/DSIIDC also supported the contention of R-1/UOI.

9. During the proceedings, petitioner Prem Singh had expired and consequently, an application u/o 22 Rule 3 CPC was moved to implead his LRs. The said application was allowed vide order dt. 16.12.2024. However, the LRs of petitioner shall not be entitled to interest for the period w.e.f 19.06.2015 till 14.09.2015 as was ordered by the Ld. Predecessor of this Court vide order dt. 16.12.2024.

10. During admission-denial of documents, the counsel for petitioner admitted the statement given u/s 19 of the Act. The following issues were framed :-

i) Whether the reference petition is barred by limitation?

ii). Whether the petitioner is entitled to enhancement in compensation, if so, to what amount?

ii) Relief.

11. In evidence, the counsel for the petitioner on behalf of the petitioner has relied upon the judgment in a

case Jai Singh vs. UOI and also the evidence led in said case.

12. The respondent no.1/Union of India in its evidence, relied upon the award as Ex. R1. The respondent no.2/DSIIDC adopted the evidence led on behalf of respondent no.1/UOI.

13. I have heard the Ld. Counsels for the parties and have also carefully considered the record. My issue-wise findings are given as under:-

FINDINGS ON ISSUE NO. 1 :-

14. The onus to prove this issue was on the respondents. They have claimed that the petition is barred by limitation. I am unable to understand as to why. The petition does not appear to be barred by limitation, rather it was pre-mature. The notification notification u/s 4 LA Act was made on 07.08.2000. The reference was thereafter filed on 09.04.2002. It was after the filing of the reference, that the award was pronounced on 09.09.2002. Meaning thereby, the reference is not barred by limitation. It is only pre-mature. This defect of pre-mature filing does not prejudice any of the respondents, whereby they cannot cry foul. Moreover, the reference was sent to this Court in 2012

more than 10 years after it was filed before the LAC in 2002. In these circumstances, the defect of pre-mature filing became inconsequential because when on 19.09.2012, the reference was first heard by this Court, the award had already been announced on 09.09.2002. So the filing of the reference before the announcement of the award is a curable defect, not a fatality to the claim of the petitioner. Had this petition been filed beyond the limitation period, that would have been a fatal defect. But the pre-mature filing in this case is a material irregularity. One should understand the mindset of an individual who has lost land to acquisition to apply for the enhancement as quickly as possible, being unaware and without being restricted of the legal compulsions. Hence, either when this petition was being put to trial or was being first heard, the pre-mature filing has not caused any prejudice either to the respondents or the process of the announcement of the original award by the LAC. **Hence, this issue is decided in favour of the petitioner.**

FINDINGS ON ISSUE NO. 2 :-

15. Petitioner has contended that valuation of land determined by LAC is not reasonable as LAC has not

adopted the correct method of valuation. However, he has not led any evidence to show as to how the LAC was wrong in fixing market value of land. Ld. Counsel for the petitioner has only relied upon the judgment titled as **Jai Singh Vs. UOI, LA No.266/08, decided on 23.08.2011 (Delhi High Court)** and conceded that award be passed in terms of the said judgment and the same enhancement which was granted in the said judgment be also granted to petitioners. The respondents have also not disputed to the adjudication of the market value in at par with the other villages that were acquired through the notification of even date.

16. In **Jai Singh Vs. UOI case (supra)**, the Hon'ble High Court, in the para 1 itself discussed the topography of the villages, the lands for which were under acquisition. The para 1 is being produced herein for convenience:

“10 villages; namely, Pooth Khurd, Khera Kalan, Khera Khurd, Bawana, Narela, Ali Pur, Rajapur Kalan, Shahpur Garhi and Sanoth are comprised in the Revenue District (North-West) and if we see the map of the city of Delhi we would find that these villages lie in the North-Western part of Delhi. They lie within an area between the ‘V’ formed by Rohtak Road i.e. NH-10 and G.T.Karnal Road i.e. NH-1. The Delhi- Ambala railway line runs somewhat parallel to NH-1. Whereas villages Narela and Shahpur Garhi are in between the railway line and NH-1, the other villages are on the opposite

side of the railway line i.e. towards the west of the railway line. Narela and Shahpur Garhi are towards the east of the railway line. The urbanized city of Delhi where the colony Rohini exists has been developed on the agricultural lands acquired post 1961 and is situated in the land within the aforesaid _ V'. Bawana Industrial Estate came up on lands which were acquired post 1996 and said Industrial Estate is also on the land within the aforesaid _ V'. Historically, except for village Narela, all villages have been treated as equivalent with respect to their location”.

17. Ld. Counsel for the petitioner submitted that in Jai Singh's case, the village Holambi Kalan, Pooth Khurd and Bawana that were acquired through notification dated 07.08.2000 were granted a compensation per acre of land @ Rs.14.75 for category A Land, Rs.14,37,280/- for category B Land. It is argued that the petitioner's land, falling in village Khera Khurd and acquired through notification dated 07.08.2000, deserves the same compensation as was granted in respect of the aforementioned villages of notification of even date.

18. The village Khera Khurd was one of the villages under consideration in **Jai Singh's** case. While adjudicating the compensation, the Hon'ble High Court maintained a uniformity in awarding compensation for different villages that were acquired through notification of same date. For example: the village Pooth khurd and Holambi Kalan, that

were acquired through notification dated 07.08.2000 were given the same compensation of Rs.14.75 lacs per acre. Similarly, the villages namely, Alipur, Holambi Kalan, and Holambi Khurd and Rajapur Kalan were treated at par while giving a uniform compensation of Rs.16,74,500/- per acre qua the notification dated 22.08.2001. The villages namely Shahpur Garhi, Holambi Kalan and Alipur that came under acquisition through notification dated 23.05.2002 were adjudicated a uniform compensation of Rs.18,65,500/- per acre.

19. The adjudication of compensation in Jai Singh's case demonstrates that the location and potentiality of land of the 10 villages were treated at par. The respondent has not adduced any evidence to establish that the land of the petitioner was suffering from any locational or other disadvantage. I find no justification to not treat at par the petitioner's land with that of other villages that were acquired through notification of even date. Consequently, there is no justification not to give the same compensation to the petitioner's land as was adjudicated in respect of lands of these villages that were acquired through notification of even date.

20. Since no different evidence has been led by the petitioner or the respondent in the present case, I have no reason to deviate from the amount adjudicated in respect of other villages in the **Jai Singh's case (Supra)**. The fair market value of per acre of the acquired land is accordingly adjudicated @ Rs.14,75,000/- for category A Land, Rs.14,37,280/- for category B Land. Accordingly, I hold that the petitioner would be entitled to the said market value as per the applicable category of his land.

21. Petitioner has also claimed compensation for crops, tree, tubewell etc. However, the petitioner has failed to lead any evidence to substantiate his claim or to establish that he was not awarded sufficient compensation for same. Accordingly, I hold that petitioner is not entitled to any enhancement in compensation on this count.

22. Besides above, petitioner shall be entitled to other statutory benefits under the LA Act viz. 12% **additional amount** [as per section 23 (1A)] and 30% **solatium** [u/s 23 (2)] and will be entitled to **interest** under Section 28 of L.A Act on the fair market value @ 9% per annum for the first year and @ 15% for subsequent year till the making of payment of enhanced compensation by LAC as per

provision of Section 28 of the Act.

Issue no. 2 is decided accordingly.

23. **Findings on Issue No.3 – RELIEF**

In view of the findings on Issue no. 1& 2, the petitioner/s are granted the following reliefs: -

1. **fair market value** @ Rs.14,75,000/- for category A Land, Rs.14,37,280/- for category B Land, for the acquired land, whichever is applicable, as per statement u/s 19 of the LA Act ;
2. **additional amount** @ 12% per annum on the fair market value u/s 23 (1A) of the LA Act , from the date of notification u/s 4 of the LA Act till the date of award or dispossession, whichever is earlier ;
3. **solatium** u/s 23(2) of LA Act @ 30% on the enhanced amount of market value;
4. **interest** under Section 28 of L.A Act @ 9% per annum for the first year from the date of dispossession and at the rate of 15% per annum on the difference between the enhanced compensation awarded by this court and the compensation awarded by the LAC for the subsequent period till its payment. **However, the LRs of petitioner shall not**

**be entitled to interest for the period w.e.f 19.06.2015
till 14.09.2015 as was ordered by the Ld.
Predecessor of this Court vide order dt. 16.12.2024.**

24. The share(s) of the petitioner(s) would be determinable as per the statement u/s 19 of the L.A. Act proved on record and the said statement shall constitute a part of this award.
25. Reference petition stands answered. Parties to bear their own costs. A copy of this award be sent to the LAC for necessary information, action and expeditious compliance for remittance of the amount. File be consigned to record room.

**Announced in the
Open Court on 05.05.2026**

**(SIDHARTH MATHUR)
District Judge-01/North
Rohini Courts/Delhi**

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