

DLNT010101512023



**IN THE COURT OF SH. SIDHARTH MATHUR**  
**DISTRICT JUDGE (NORTH-01): ROHINI COURTS: DELHI**  
**LAC No. 240/2023**

**In the matter of :-**

**Yash Pal Sethi**

S/o Sh. L.R. Sethi

R/o F-102, Rajori Garden, New Delhi.

**.... Petitioner**

***Versus***

1. **Union of India through**  
Land Acquisition Collector, North,  
Office at DM Office Complex,  
Alipur, Delhi – 110036.
  
2. **Delhi Development Authority,**  
(D.D.A)  
Through its Vice Chairman,  
Vikas Sadan, INA, New Delhi.

**.... Respondents**

Award No.

12/2005-06

Village

Barwala

Date of possession 06.10.2005  
Notification U/s 4 LA Act F.11(19)/2001/L&B/LA/  
20112 dt. 21.03.2003  
Notification U/s 6 LA Act F.11 (11)/2004/L&B/LA/  
28281 dt.19.03.2004  
Date of Award :05.08.2005

Date of Receipt of Reference : 15.09.2023

Date of Arguments : 11.05.2026

Date of Decision: 11.05.2026

**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 reference under section 18 of Land Acquisition Act, 1894 (hereinafter called as LA Act), was sent to the reference court by the Land Acquisition Collector (hereinafter referred as LAC).
2. As per the LAC Award, a large tract of land measuring 6129 bigha 10 biswa and 10 biswansi of village Barwala, Delhi, was acquired by the Govt. for a public purpose namely "Rohini Residential Scheme, under Planned Development of Delhi". Notification under Section 4 of The Land Acquisition Act, 1894 (hereinafter referred to as 'LA Act') was issued on 21-03-2003. Declaration under Section 6 was made on 19-03-2004.

Thereafter, Award bearing no. 12/2005-06 was announced by Land Acquisition Collector (hereinafter referred to as LAC) on 05-08-2005. The LAC determined the market price of the acquired land as Rs.15,70,000/- per acre for land falling in Category 'A', Rs.14,00,000/- per acre for land falling in 'B' Category and Rs.12,30,000/- per acre for land falling in 'C' Category.

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 Land Acquisition Collector forwarded the same to this court, for adjudication.

4. The brief facts of the petitioner's case are that petitioner was the recorded owner/ bhumidhar of land bearing khasra numbers 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 Barwala, Delhi (the said land). The said land was acquired vide notification dated **21-03-2003**. The petitioner has preferred the present reference under section 18 of the Act essentially on the grievance that the market value of the acquired land has been

erroneously determined at a low rate by the LAC so as to be Rs. 15.70 lacs per acre.

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/Union of India (UOI)/Land Acquisition Collector and Respondent no.2/Delhi Development Authority (DDA) 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/DDA also supported the contention of R-1/UOI.

9. 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 petitioner is entitled to enhancement in compensation, if so, to what amount? OPP.**

**ii) Relief.**

10. No evidence led on behalf of the petitioner. Accordingly, the right of the petitioner to lead PE was closed vide order dt. 05.05.2026.

11. The respondent no.1/ Union of India/UOI, in its evidence, tendered the award as Ex.R1 and R-2/DDA had adopted the evidence led on behalf of R-1/UOI.

12. 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 :-**

13. 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.
14. After perusal of the record, it has come to the notice of this Court that the land in question is squarely covered by the leading case i.e. *Chander Bhan Vs. UOI, LA No. 261/16 decided by Sh. Neeraj Gaur, ADJ-01, Learned Predecessor of this court on 25-04-18* decided by the Ld. Predecessor of this Court. Though the petitioner has not come forward for PE, I am of the view that he be granted the benefits bestowed on the similar parcel of the lands of the same village, vide the leading case of “**Chander Bhan Vs. UOI**”. It would be grave injustice to the petitioner, whose land is otherwise acquired by the Government, be also denied the benefits accruing to the similarly placed persons of the same Village via the aforesaid leading case.
15. Moreover, no reason has been given by the respondents as to why the petitioner be denied the benefits accruing to similarly placed individuals vide the aforesaid leading case. Hence, I am inclined to grant to the petitioner the benefits arising out of the leading case i.e. “**Chander Bhan Vs. UOI**”. Now, I shall proceed

to evaluate this leading case and its impact on the present case.

16. In the aforesaid case, Ld. Predecessor had adjudicated the market value of land of village Barwala acquired through award No.12/2005-06 as Rs.19,80,750/- per acre. There is no evidence on record to gather that the land of the petitioner herein was in any way inferior to the land involved in **Chander Bhan's** case. The petitioner is accordingly entitled to the same compensation for his land as was awarded in **Chander Bhan's case**. Accordingly, in the given circumstances and in the interest of justice, I direct that the enhancement ordered in the same village vide the leading case *Chander Bhan Vs. UOI, LA No. 261/16 decided by Sh. Neeraj Gaur, ADJ-01, Learned Predecessor of this court on 25-04-18* should also be made applicable to the petitioner.

17. However to balance the equities particularly in light of the irresponsible conduct of the petitioner by not leading the PE resulting in wastage of precious judicial time, I refuse the petitioner any interest from the date of the first hearing conducted in this reference till today.

18. In the given circumstances, the petitioner is granted the benefit of the enhanced compensation Rs.19,80,750/- per acre

for the acquired land as mentioned in statement u/s 19 of L.A. Act filed.

19. 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.

20. 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% **solutium** [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. 1 is decided accordingly.

## 21. Findings on Issue No.2 – RELIEF

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

1. **fair market value** @ Rs.19,80,750/- per acre for category A land, for the acquired land as per

statement u/s 19 of the LA Act thereby giving an enhancement of Rs.4,10,750/- per acre;

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 petitioner shall not be entitled to any interest for the intervening period from the day of the first hearing in this reference before this Court till today.*

22. 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.

23. 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 11.05.2026**

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

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