



2025:DHC:10471-DB



\$~13 (25.11.2025)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 26th November, 2025

+ **W.P.(C) 4391/2024**

LAXMAN SINGH

S/O LATE SH. BHIM SINGH

R/O 10/9, KISHAN GARH, NEAR GAUSHALA

VASANT KUNJ, NEW DELHI 110070

....PETITIONER

Through: Mr. Narendra Sharma, Advocate
(through video conferencing)

Versus

**LAND ACQUISITION COLLECTOR/A.D.M. (NEW DELHI)
AT 12/1, JAM NAGAR HOUSE, NEW DELHI**

.... RESPONDENT NO. 1

DELHI DEVELOPMENT AUTHORITY

THROUGH THE VICE-CHAIRMAN

VIKAS SADAN, INA, NEW DELHI

.... RESPONDENT NO. 2

GOVT. OF N.C.T. OF DELHI

THROUGH THE PRINCIPAL SECRETARY (L & B)

DELHI SECRETARIATE, PLAYERS BUILDING,

NEW DELHI

.... RESPONDENT NO. 3

UNION OF INDIA



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THROUGH THE SECRETARY
MINISTRY OF URBAN DEVELOPMENT
NIRMAN BHAWAN, NEW DELHI

...RESPONDENT NO.4

Through: Mr. Sanjay Kumar Pathak,
Standing Counsel with Mr. Sunil
Kumar Jha, Advocate for
Respondents no. 1 and 3
Ms. Manika Tripathy, Standing
Counsel with Mr. Ashutosh
Kaushik, Panel Advocate for
respondent no. 2

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

File taken up today as in view of notification No.35/G-4/Genl.-I/DHC dated 24th November 2025, 25th November 2025 has been declared as a holiday on account of 350th anniversary of 'Guru Teg Bahadur's Martyrdom Day'.

1. Heard the respective counsels appearing for the parties to the present petition. The prayer in the present writ petition reads thus:

“ a) Issue a writ of certiorari or any other similar writ, order or direction against the respondent no. 1 and other respondents for payment of compensation to the petitioner



*for his share of land i.e. **around 30.55 biswas** which existed in the name/share of the petitioner at the time of passing of the award no., award no. 28/87-88 against which the land bearing Khasra no. 1978/2 (1-12), 1981 (4-16), 1984 (6-07), 1985 (5-01), 1986/2 (1-09), 1987/3 (0-12), 1987/1 (4-01), 1987/2 (4-04), 1988/3 (4-18), 1986/1 (3-07), 1988/1 (6-18) admeasuring 43 Bighas 5 biswas situated in the Revenue Estate of Village MalikpurKohi @ Rangpuri, New Delhi was acquired and for which no compensation has been paid to the petitioner;*

b) To direct the Respondent no. 1 to send reference before the appropriate authority for proper adjudication of the case as per section 30/31 of LAC Act;”

2. It is the case of the petitioner that after the award came to be passed, till this date the compensation is not released and as such, he is entitled for the compensation. According to him, the land in question came to be acquired way back in 1987-88 through an award and said award was subject matter of challenge in the **W.P.(C) 3071/2016**. After dismissal of the said writ petition, the petitioner approached the Apex Court through an SLP which was also dismissed.

3. Subsequent thereto, petitioner preferred another writ petition being **W.P.(C) 12145/2022** which was withdrawn by the petitioner on 12th April, 2023 with liberty to the petitioner to seek such remedy as is available in law.

4. In this background, the contention of the counsel for petitioner are that even if what is recorded in the earlier order of dismissal of petition delivered in **W.P.(C) 3071/2016** on 6th September, 2019 and thereafter, by the Apex Court in its order dated 26th November, 2021, the issue of



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the receipt of the compensation by petitioner is not adjudicated. It is urged that till this date the petitioner who remained to be recorded owner is not paid compensation and as such he is entitled for the same.

5. As against above, the Standing Counsel for the respondents no. 1 and 3 *Mr. Pathak* and the Standing Counsel appearing for the respondent no. 2 *Ms. Manika Tripathy*, who jointly pray for dismissal of the present writ petition on the ground that the fact about payment of compensation was already looked into by this Court in the earlier round of litigation.

6. It is further claimed that it was open for the petitioner to agitate the said issue even in the earlier round of litigation and that being so, the petitioner has given up the said issue.

7. The further contention of the counsel for respondents is that once the *W.P.(C) 12145/2022* was withdrawn without liberty to file a fresh petition, there is no question of petitioner again approaching this Court seeking similar remedy. As such, dismissal is sought.

8. We have considered the submissions canvassed by the counsel for the petitioner.

9. We are required to be sensitive to the Division Bench order of this Court delivered in *W.P.(C) 3071/2016* decided on 6th September, 2019. If we carefully go through the *paragraph 4* of the said order which reads thus, it is apparent that a categorical statement was made by the respondent that the amount of compensation was already released to the recorded owner:-

“...4. The Land Acquisition Collector (LAC)/A.D.M.- Respondent No. 1, in the counter affidavit, at the outset has



challenged the maintainability of the present petition on the ground of delay and laches. It is the stand of the LAC that possession of the subject land was taken on 29th January 1987 and was handed over to the requisitioning department. Regarding payment of compensation, it is the stand of the LAC that, compensation has been paid to the recorded owners of the subject land, as per details provided in paragraph 7 of the Counter affidavit, as follows:

Recorded Owner]	Date of payment	Details of Compensation paid.
Shri Jagdish Suri, S/o Shri Kashmiri Lal	15 th July 1988	Rs. 35,707.23, vide cheque. No. 713115
Smt. Bhalla Rani, W/o B.S. Bhatnagar		Rs. 17853.62, vide cheque no. 713128
Shri Baldeo Singh, S/o Dhani Ram	27 th July 1988	Rs. 17, 853.61, vide cheque no. 713129
Smt. Pratima Kakkad, W/o Yashpal Kakkad	9 th August 1988	Rs. 17,853.62, vide cheque no. 713146
Smt. Sunita Kakkad, W/o Sudhir Kakkad	27 th June 1988	Rs. 1,785.62, vide cheque no. 708292
Smt. Saneh Gandhi, W/o R.B. Gandhi	21 st June 1988	Rs. 35707.24, vide cheque no. 708793

10. Apart from above, there is a document to suggest that in fact, the compensation was paid to the recorded owner and to that effect reliance or support can be drawn from “**Annexure R-1**” to the counter of respondents no. 1 and 3.

11. Apart from above, the fact remains that the petitioner with similar relief has again approached this Court through **W.P.(C) 12145/2022** and the said petition was dismissed as withdrawn as this Court was not inclined to grant the relief therein. It appears that the petitioner was



permitted to take recourse to such remedy as is available in law, however, he was not granted any liberty to approach this Court again.

12. If we consider the aforesaid contentions of the counsel for petitioner in the light of law laid down by the Apex Court in *Sarguja Transport Service v. S.T.A.T.* (1987) 1 SCC 5 unless there is a liberty reserved in favour of a party, a party cannot agitate the same issue again before the Court.

13. Apart from above, we are equally required to be sensitive to the law laid down by the Apex Court in *Mahavir And Others v. Union of India And Another* (2018) 3 SCC 588, wherein the Apex Court has considered the conduct of the parties *qua* delay in claiming compensation. The Apex Court was of the view that still claim ought not to have been entertained by the Court.

14. There is one more reason for dismissal of the present writ petition in that the petitioner could have agitated very same claim which he has initiated in first writ petition, *i.e.* ***W.P.(C) 3071/2016***.

15. If we consider the conduct of the petitioner in the backdrop of the provisions of Order II Rule 2 of the Code of Civil Procedure ('***CPC***'), the petitioner at the said point of time not only was aware about payment of compensation to the recorded owner, but it was also open for him to agitate the said grievance about non-payment of compensation.

16. The fact remains that the order delivered by the Division Bench on 6th September, 2019 at the behest of the petitioner has attained finality up to the Apex Court.



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17. For all the aforesaid reasons, we see no reason to cause interference in extraordinary jurisdiction.

18. As such, the petition is, in our opinion, *sans* merit, and stands dismissed.

19. Pending applications, if any, are rendered infructuous.

20. A copy of this judgment be uploaded on the website of this Court forthwith.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

NOVEMBER 26, 2025/pr/st