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

Date of decision: 23rd April, 2026

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W.P.(C) 4841/2026

RAJENDER SHARMA

.....Petitioner

Through: Mr. Arvind Sharma with Ms. Mrinalini Khatri and Mr. Madhukant Jha Advs.

versus

UNION OF INDIA THROUGH LAND ACQUISITION COLLECTOR (LAC)

.....Respondent

Through: Mr. Sanjay Kumar Pathak standing Counsel with Mr. Kamlesh Kumar LAC/ADM/North -East with Mr. Ganga Bishan NT/North -East, Mr. Himanshu Srivastava SO Central - North, Mr. Sunil Kumar Jha, Mr. Mohd Sueb Akhtar Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed seeking, *inter alia*, directions to the concerned Land Acquisition Collector (hereinafter “LAC”) to refer the applications filed by the Petitioner for enhancement of compensation to the concerned Reference Court.
3. The grievance of the Petitioner is that the Petitioner’s land bearing *Khasra* No. 1/422 was acquired and a notice under Section 4 of Land



Acquisition Act, 1894 was issued on 12th April, 2006, followed by a Declaration under Section 6 of Land Acquisition Act, 1894 on 22nd May, 2006. Thereafter, the Award bearing no. 2/2007-08 (North-East) was passed on 31st December, 2007. The Petitioner had filed objections under Section 18 of the Land Acquisition Act, 1894 to the compensation amount on 28th February, 2008.

4. While the reference which was made to the ld. ADJ remained pending, the market value of the land was enhanced to Rs. 21,920/- per sq. mtr. in a similar matter and in respect thereof the certified copy of the Award was also prepared. The Petitioner then moved an application under Section 28A of the Land Acquisition Act, 1894 for determination of his compensation which was to be considered by the LAC. However, the reference petition *qua* the Petitioner was dismissed on 29th March, 2016.

5. The Petitioner being aggrieved by the said dismissal filed a writ petition being ***W.P.(C) 4286/2016*** titled ***Rajender Sharma v. Union of India & Anr.*** Parallely, the Reference Court had again enhanced the compensation amount in another judgment to Rs.48,000/-. In the said writ petition considered by the Co-ordinate Bench of this Court, the Court passed an order dated 20th May, 2019 wherein it was directed as under:

“4. Accordingly, the impugned order dated 29th March, 2016 passed by the LAA, Shahdara is hereby set aside. A direction is issued to the LAC, Shahdara to refer the Petitioner’s application under Section 28-A of the LAA to the Court of the learned Additional District Judge, Shahdara for determining whether the Petitioner is entitled to the enhanced compensation in terms of Section 28-A of the LAA. The needful be done within a period of six weeks from today.”



6. As can be seen from the above, six weeks' time was given for disposal of the Petitioner's application filed under Section 28A of the Land Acquisition Act, 1894. The Petitioner had to again approach the LAC by way of fresh applications. However, no action was taken by the LAC. This led to filing of a further writ petition being **W.P.(C) 12187/2024** titled **Rajender Sharma v. Union of India Through Land Acquisition Collector** which was disposed of by the Co-ordinate Bench of this Court on 30th September, 2024. The said order reads as under:

"1. We had on 23 September 2024, after hearing counsels for respective sides, passed the following order:

"1. The petitioner has filed the present petition, inter-alia, praying that his application under Section 15 and 28 A of the Land Acquisition Act, 1894 (hereafter the LA Act) be considered by the LAC.

2. On 02.09.2024, Mr. Pathak, learned counsel appearing for the respondent had taken time to take instructions in regard to the petitioner's prayer. He, now, submits that at the first instance, it would be necessary for LAC to decide the petitioner's application.

3. A Coordinate Bench of this Court had, by an order dated 15.12.2021 issued the directions to the LAC to itself examine the petitioner's application under Section 28 A of the LA Act. The relevant extract of the said order reads as under:

"We have heard learned counsels on both the applications. It is clarified that



by the impugned order dated 29.03.2016, the application of the petitioner under Section 28 A of the Land Acquisition Act, 1894 had been 'filed' by him. The direction issued to the LAC Shahdara is modified to read that he shall himself examine the application of the petitioner under Section 28 A of the Land Acquisition Act in the first instance.” 4. In view of the aforesaid, Mr. Pathak, the learned counsel appearing for the respondent, again seeks time to take instructions in this regard. 5. List on 24.09.2024.”

2. The solitary grievance of the writ petitioner is with respect to the non-consideration and disposal of its application under Sections 18 and 28A of the Land Acquisition Act, 1894.

*3. Learned counsel appearing for the respondent states that subject to verification of all facts and contentions on merits being open, **the said application shall be duly examined and an appropriate order disposing of the same passed in accordance with law. He further submits that the aforesaid exercise shall be completed with due expedition and preferably within a period of eight weeks from today.** The statement so made is recorded and accepted.”*

4. The writ petition stands disposed of on the aforesaid terms.”

In the above order, the Court recorded the statement of the Id. Counsel for the LAC that the application seeking reference shall be disposed of within eight weeks.



7. In respect of this order the Petitioner is running from pillar to post to have the same given effect to and implemented by the LAC. On the last date *i.e.*, 13th April, 2026, the Court had considered the matter and it was observed that the conduct of the concerned officer at the office of LAC being one Mr. Himanshu Srivastava, was completely unbecoming of an office holding a public office. This had led the Petitioner to undergo a gruelling process before the LAC and file writ petitions to seek some relief. Accordingly, the Court had held that strict action would be liable to be taken and had directed the said officer to be present before the Court and also file a personal affidavit explaining his conduct by the next date. The relevant portion of the Court's observations are as under:

“10. As can be seen from the above order, on behalf of the LAC, the Court had recorded the statement that the Petitioner’s applications filed under Sections 18 and 28A of the Land Acquisition Act, 1894 would be disposed of expeditiously within a period of 8 weeks. Unfortunately, however, till date, the Petitioner has had to undergo a gruelling process before the LAC wherein notices dated 13th March, 2025, 2nd July, 2025, 2nd September, 2025 and 17th October, 2025 have been issued for hearing and on each date the matter has been adjourned again and again. Though the Petitioner has repeatedly visited the LAC’s office, the order dated 30th September, 2024 has not been given effect to.

11. The Petitioner himself is present in Court today and he submits that the official of the LAC has been extremely disrespectful and has repeatedly made the Petitioner visit the LAC’s office. He has named the officer in charge – Mr. Himanshu Srivastava who is alleged to have told the



Petitioner to go and obtain the orders from the High Court in his case.

12. Clearly, this kind of conduct cannot be condoned by this Court. Repeated orders have been passed in favour of the Petitioner. Firstly, in 2019 and again in 2024 directing a time-bound disposal. However, it appears that the LAC is not in a mood to comply with the same.

13. Ld. Counsel for the Petitioner submits that the Petitioner had in fact prepared a contempt petition and made advance service of the same to the LAC. At which stage, the LAC started issuing notices and had expressed an intention to comply with the orders. However, no action has been taken till date.

14. This Court is of the opinion that strict action would be liable to be taken against the LAC in this matter.

15. Accordingly, let Mr. Himanshu Srivastava be personally present in Court on the next date of hearing. He shall also file a personal affidavit explaining his conduct by the next date of hearing.

16. Mr. Pathak, ld. Standing Counsel for the LAC at this stage submits that Mr. Srivastava may not be the in-charge of the Petitioner's case.

17. It is made clear that issue is not about any specific official but about compliance with court orders. Firstly, Mr. Srivastava has a duty to explain to this Court as to his conduct. Secondly, whoever is the official in-charge of the Petitioner's case from the office of the LAC shall also remain physically present on the next date of hearing."



8. Today, Mr. Srivastava is physically present in Court.
9. Mr. Pathak, ld. counsel for the Respondent submits that the order which was to be passed within 8 weeks, as directed by the order dated 30th September, 2024 of a Co-ordinate Bench of this Court in ***W.P.(C) 12187/2024***, has still not been passed.
10. Both the applications under Section 18 and Section 28A of the Land Acquisition Act, 1894 (hereinafter “*the Act*”) continue to remain pending with the LAC for all these years.
11. The Petitioner had filed two writ petitions, one being ***W.P.(C) 4286/2016***, wherein directions were given *vide* order dated 20th May, 2019 to the LAC, Shahdara to refer the application under Section 28A of the Act to the Court of Additional District Judge, Shahdara, however, the same has not been done till date even after about 7 years.
12. Again, in ***W.P.(C) 12187/2024***, further directions were given *vide* order dated 30th September, 2024. It is submitted by Mr. Pathak, ld. Counsel for LAC that even this order has not been complied with till date.
13. On behalf of Mr. Srivastava, Mr. Pathak, ld. Counsel submits that there was some appeal which was pending, and it still remains pending, due to which the orders of this Court could not be complied with.
14. This is a completely unacceptable explanation. If there is any appeal pending, it is for the concerned District Judge to take the same into account and not for the LAC to continue to defy the orders of this Court.
15. The concerned LAC has issued multiple notices for hearing but still it has failed to pass the orders as directed by this Court.
16. As of today, the matter is stated to have been now transferred to the North-East district of LAC. However, at the relevant point in time Mr.



Srivastava was working in the office of the concerned jurisdictional LAC. It is under these circumstances that Mr. Srivastava was directed to be personally present today.

17. On the last date *i.e.*, 13th April, 2026 an opportunity was also given to him to file a personal affidavit explaining his conduct, which has not been availed of and no affidavit has been placed on record. Mr. Pathak, ld. Counsel submits that the affidavit is ready, however, he seeks further time to file the same. In view of the above, the request for further time is a completely unreasonable request.

18. In the opinion of this Court, the acquisition in this case took place way back in 2007 and till date even the reference for enhancement of compensation has not been made to the concerned ld. ADJ. Almost 20 years have passed now without any compensation having been paid to the Petitioner.

19. After having seen the entire record, this Court is of the view that the manner in which the Court orders have completely been defied by the LAC and its officers is not condonable. Accordingly, the following directions are issued:

- i. The concerned LAC shall pass the order in terms of the previous orders dated 20th May, 2019 and 30th September, 2024 passed by this Court in the earlier writ petitions mentioned above.
- ii. The said order shall also be now passed by 20th May, 2026.
- iii. For the conduct of Mr. Srivastava for repeatedly calling the Petitioner and the LAC not passing any orders despite express directions from this Court, costs of Rs. 1,00,000/- are imposed. The same are liable to be paid in the following manner:



(a) Rs. 50,000/- shall be borne personally by Mr. Srivastava to be paid to the Petitioner within 2 weeks.

(b) The LAC office shall pay a further sum of Rs. 50,000/- to the Petitioner within 2 weeks.

20. In order to enable the passing of the order in terms of today's direction, the Petitioner may appear before the concerned LAC whose name and address shall be communicated today itself to the Id. Counsel for the Petitioner by Mr. Pathak. Id. Counsel for LAC.

21. After hearing the Petitioner, appropriate orders in both the applications under Section 18 and Section 28A of the Act shall be passed by the LAC.

22. The petition is disposed of along with pending application, if any,

23. List for reporting compliance on 10th July, 2026.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 23, 2026/vs/prg/msh