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

Date of decision: 28th April, 2026

Uploaded on: 29th April, 2026

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W.P.(C) 5796/2026

SITA RAM

.....Petitioner

Through: Mr. Jitendra Kumar Jha, Adv.
(*through V/C*)

versus

UNION OF INDIA

.....Respondent

Through: Mr. Sanjay Kumar Pathak, SC with
Mrs. K. Kaomudi Kiran Pathak, Mr.
Sunil Kumar Jha, Mr. Mohd Sueb
Akhtar, Ms. Joochu Kumari and Mr.
Kushagra Dixit, Advs. UOI/LAC

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 by the Petitioner-Mr. Sita Ram under Article 226 of the Constitution of India seeking the following prayers:

a. to set aside the order of the Respondent dated 20.12.2017 and direct the Respondent to forward the Reference U / S - 30 - 31 of LA, Act, 1894 to the appropriate Civil Court for proper adjudication

b. To direct the Respondent to pay the compensation as per compensation awarded by the Reference District Court, Dwarka, New Delhi in same notification & Award to the Petitioner; or

c. To pass any other/ further order/ relief which



deem fit and proper according to the facts and circumstances of the case in his favour in the interest of justice;
It is prayed accordingly.

3. *Vide* the impugned order dated 20th December, 2017, the application of the Petitioner under Section 18 of the Land Acquisition Act, 1894 has been rejected as being barred by time. The relevant extract of the order reads:

To,
SitaRam,
S/o Late Sh. Ymuna Prasad,
R/o S-A Santosh Nagar Brijlalpura, Mansarovar,
Jaipur,
Sub:- Application under Reference 18 of land acquisition Act, 1894 pertaining to Kh. No. 9/22 (4-19) Village Nangli Sakrawati, Award No. 13/2008-09.
It is to inform you that your above said application was received in this office on 30/03/2012 for sending the same to the ADJ Court for adjudication.
Your said application is found to be filed after the time prescribed for filing the application under section 18 of the L.A. Act. The provision of sec 18 (2) (b) which provides the time for filing the application reads as under:
Section 18 (2) (b) of the LA Act, 1894 reads as:-
"The application shall state the grounds on which objection to the award is taken.
(c) If the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
(d) In other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire."
Your application has been received in this office after 349 days from the date of the Award which is beyond the maximum time provided. Therefore, your application is rejected being found Time Barred. No further application this Reference U/s 18 will be entertained in future.

4. The case of the Petitioner is that, he had purchased 300 sq. yards of land being Plot No. 393, *Khasra No.9/22*, Laxmi Garden Colony, Nangli Sakrawati, Delhi (*hereinafter, 'the subject land'*) from one Mr. Shisha Singh, through a registered sale deed dated 14th October, 2005.

5. A notification under Section 4 of the Land Acquisition Act, 1894 dated



7th April, 2006 was issued for the acquisition of the subject land. This was followed by a declaration under Section 6 which was issued on 4th April, 2007. Pursuant thereto, the Award being 13/2008-19/SW was passed on 30th March, 2009 by the Land Acquisition Collector, South-West, and the subject land of the Petitioner was acquired for the purpose of Planned Development of Delhi.

6. The case of the Petitioner is that he had made representations both under Section 18 and Section 30-31 of the Land Acquisition Act, 1894 to the Land Acquisition Collector (*hereinafter 'LAC'*) for making a reference to the Id. District Judge and for release of compensation.

7. However, the application dated 30th March, 2012 under Section 18 of the Land Acquisition Act, 1894 was rejected *vide* the impugned order dated 20th December, 2017 on the ground that the same was barred by limitation. However, the application under Section 30-31 of the Land Acquisition Act, 1894 application is yet to be considered.

8. Mr. Sanjay Kumar Pathak, Ld. Standing Counsel for the LAC submits that the application under Section 18 of the Land Acquisition Act, 1894 has already been disposed of, and the prayer in the present petition is only to forward the reference under Section 30-31 of the Land Acquisition Act, 1894.

9. Heard. A perusal of the prayer extracted hereinabove would show that the Petitioner prays for compensation in respect of the acquisition of the subject land, as well. The prayers sought read as under:

“a. to set aside the order of the Respondent dated 20.12.2017 and direct the Respondent to forward the Reference U / S - 30 - 31 of LA, Act, 1894 to the appropriate Civil Court for proper adjudication

b. To direct the Respondent to pay the compensation as per compensation awarded by the Reference



District Court, Dwarka, New Delhi in same notification & Award to the Petitioner; or

c. To pass any other/ further order/ relief which deem fit and proper according to the facts and circumstances of the case in his favour in the interest of justice;

It is prayed accordingly.”

10. In the opinion of this Court, the Ld. Division Bench in ***W.P.(C) 7817/2017*** titled '***Chet Singh Rana v. Union of India***', vide order dated 5th September, 2017, has held that even if there is an application under Section 18 of the Land Acquisition Act, 1894, which has been held as time barred, the said issue would have to be decided by the concerned reference Court and not at the level of the LAC. The relevant portion of the order dated 5th September, 2017 is set out below:

“Issue notice. Sh. Yeeshu Jain, Advocate accepts notice. The limited relief claimed in this petition under Article 226 of the Constitution is to set-aside an order of the respondent/LAC dated 31.01.2017, declining to forward the reference under Section 18 of the Land Acquisition Act, 1894 [hereafter “the 1894 Act”].

The Award in this case was made on 01.02.2012. The petitioner in this case requested for a reference on 15.01.2014. It was stated that the petitioner received the compensation on 28.11.2014 and he was in the dark till the impugned order, as to whether the reference had been forwarded to the competent court.

The LAC in the impugned order expressed the opinion that the application under Section 18 of the 1894 Act is time-barred and that in so saying he relied upon the provisions of Section 12(2) of the



1894 Act.

The respondent's counsel argued that the impugned order should not be interfered with given the mandate of the law and the fact that the LAC was competent to decide and pronounce upon the issue of limitation. It is also urged that the compensation under Sections 30/31 of the 1894 Act was rendered on 30.10.2013.

We have heard learned counsel for the parties.

Without expressing any opinion on the merits of the issue of limitation, the Court is of the view that the reference petition – which is the only opportunity provided by law to a land owner to establish his case for higher compensation by leading evidence, should be forwarded under Section 18 of the 1894 Act. At the same time, it is open to the reference Court to decide the issue of limitation, if so raised by the respondent, in opposition to the maintainability.

In view of the above, the order dated 31.01.2017 is set-aside. The LAC shall also forward the reference to the competent court within six weeks. All questions of law, including the issue of limitation are kept open.

The writ petition is allowed in the above terms.”

11. Recently, the order dated 5th September, 2017 has been followed by this Court in ***W.P.(C) 2686/2018***, titled '***Anand Khanna v. Union of India***', wherein this Court *vide* order dated 23rd April, 2026 has held as under:

“[...]

14. *After having perused the record, it becomes clear that upon the receipt of the compensation, the Petitioner sought enhancement thereof by filing the*



reference petition u/s 18 of the Act.

15. The same ought not to be dismissed simply in the manner as it has been done vide the impugned order.

16. The impugned order is, accordingly, set aside.

17. The reference petition filed by the Petitioner dated 19th December, 2011 shall now be sent to the concerned Id. District Judge for deciding the same, including the issue of limitation, in accordance with law.

18. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.”

12. Following the order dated 5th September, 2017 in ***Chet Singh Rana (Supra)*** and order dated 23rd April, 2026 in ***Anand Khanna (Supra)***, this Court is of the opinion that the applications under Section 18 and 30-31 deserve to be sent by the LAC to the appropriate reference Court - *albeit* with a note that according to the LAC, the application is barred by limitation.

13. Accordingly, let the needful be done within a period of one month. The concerned Reference Court shall thereafter proceed in accordance with law.

14. This Court has not considered the merits of this matter.

15. The petition is disposed of in the said terms. Pending applications, if any, also stand disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 28, 2026/ys/sm