



\$~19

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

Date of decision: 03rd September, 2026

Uploaded on: 05th September, 2026

CNR No. DLHC013083532018

+ **W.P.(C) 10278/2018**

SH. SHARDHA NAND SINCE DECEASED THROUGH HIS LR
SH. SUBHASH CHAND.Petitioner

Through: Mr. M. M. Singh and Mr. Mohit, Advs.
(M: 9818016311)

versus

THE LAND ACQUISITION COLLECTORRespondent

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr. Sunil Kumar Jha &
Mr. M.S. Akhtar, Advs. (M:
9711684779)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by Shri Shardha Nand, who is since deceased through his legal heir Mr. Subhash Chand, and Mr. Subhash Chand, in his individual capacity, both of whom are the sons of Late Shri Ishwar Singh.
3. As per the Petitioners, they are illiterate farmers, who are entitled to interest on the amount of compensation paid to them in respect of the part of the land, which was acquired in terms of the award, which is explained in Paragraph 18 of the writ petition in the following terms.

“18. That from the RTI and other proceedings/documents it is revealed that the respondent made the payment of land measuring 1 bigha



and 10 biswas to Sh Sheoraj who was entitled for only for the compensation of 19 biswas. Therefore the payment of compensation of land measuring 11 biswas belonging to the petitioners were wrongly made to said Sh Sheoraj, who fraudulently received the same concealing the material facts before the respondent as well as before the ADJ concerned in proceedings u/s 18 of LA Act. The copy of judgment dated 28.11.2008 is annexed as ANNEXURE - P23.”

4. The possession of the land in question was taken on 29th May, 2006. The compensation unfortunately came to be paid to the wrong person and, hence, both the Petitioners had made a representation to the LAC for release of the compensation to them. The said application for compensation was decided by the LAC *vide* order dated 28th March, 2016 wherein the LAC observed as under:

“Shri Subhash Chand claim that out of above Acquired Land his share of land is to the extent of 1 bigha 2 biswa and this amount has been paid to Sh. Deepak, his cousin brother and to Sh. Sheo Raj. He has shown a copy of Filed Book prepared during 1981 when the consolidation is reportedly carried out and a copy at Form P-4 which is Khasra Girdhwari being maintained as per the DLR Rules 1962 showing the khasra no.128/6/2 area to 2 bigha 1 biswa as his recorded land.

Be that so, the area acquired is 1 bigha 17 biswa from khasra no 128/6/1 to 3 min, and while passing the award, the area in khasra no. 128/6/1, 128/6/2, and 128/6/3 is not-shown separately and the award is notified as 128/6/1 to 3 min. Shri Subhash Chand would have raised this issue at the time of passing the award and at this belated stage, the request for compensation payment for his part, of land, cannot be accepted now after the compensation amount has been paid. The petitioner has also not dispute the issue when the matter



was adjudicated by the ADJ Court where the amount has been enhanced and paid to Shri Deepak. The records available with LAC branch shows that the award is passed for an area of 1 bigha 17 biswa and payment has been issued of Shri Deepak S/o Sheo Raj.

Therefore Shri Subhah Chand may approach Court of Low for recovery of compensation amount from Shri, Deepak S/o Sheo Raj.”

5. As per the LAC, the Petitioners were directed to approach the appropriate Court for recovery of the compensation amount from Mr. Deepak, to whom the payment was wrongly paid. The said order was again challenged by the Petitioners before the Public Grievances Cell (hereinafter, ‘PGC’), wherein *vide* order dated 23rd November, 2016, the PGC directed as under:

“3. Relevant facts emerging during the hearing

3.1 During the hearing on 15/11/2016 though the complainant was present, but there was no representative present on behalf the department. As such, today's hearing in this grievance case was rendered infructuous.

3.2 However, during the discussion with the complainant, it was brought in notice of Commission that entries in respect of area of Khasra No.128/6/1 and 128/6/3 were given wrong in in Naksamutzamin prepared after award and at the lime of payment of compensation to the recorded owner. Due to this error on the part of LAC / staff, the compensation of acquired land was paid by LAC inadvertently to owners of the land wrongly mentioned in the above said Khasra Nos. instead of a rightful recorded owner of acquired land in Khasra No.128/6/3. I

4. Directions of the PGC

*4.1 **The Additional District Magistrate (ADM), District Central, Revenue Department is directed to rectify the***



land record of LAC and take action for withdrawing the compensation paid to unlawful receivers and to make payment to the complainant, a rightful recorded owner of acquired land.

4.2 The complainant is also advised to represent his case before LAC, District Central, Revenue Department mentioning all details of acquired and unacquired land in Khasra No..128/6/1, 128/6/2 and 128/6/3”

Thus, the PGC directed the concerned ADM to recover the compensation from the unlawful receivers and pay to the Petitioners.

6. Subsequently, the LAC took action against the unlawful receiver of the compensation and paid the compensation to the Petitioners, which is duly pleaded in Paragraph 16 of the writ petition in the following terms:

“16. That thereafter finally on 14.12.2017 the respondent paid the compensation amount to the petitioners vide cheques bearing no.257668 and 257667 for Rs.2,48,141/- and Rs.2,48,142/- respectively after recovering the same from the Sh Sheoraj owner of Khasra No. 128/6/3 to whom the same was paid illegally. Upon receiving the payments the petitioners on 08.01.2018 made an application before the respondent for payment of interest on the compensation amount. The copy of said application along with reminder is annexed as ANNEXURE-P20&P21.”

7. Thus, a sum of Rs.2,48,141/- and Rs.2,48,142/- as compensation duly stands paid to the Petitioner Nos.1 and 2. The only outstanding issue in the present case is in respect of interest. Ld. Counsel for the Petitioners submits that the payment was made to the Petitioners only on 14th December, 2017 and hence, the Petitioners are entitled to statutory interest for the delayed period.



8. Mr. Jha, Id. Counsel for the LAC submits that in fact, the LAC had initiated recovery proceedings against the earlier person to whom compensation was paid. Thus, non-payment was only an inadvertent error.

9. Heard. In the overall facts and circumstances, it is clear that the award is of the year 1984-85 and the possession was taken on 29th May, 2006. However, compensation was only paid to the Petitioners on 14th December, 2017. The Petitioners are thus entitled to statutory interest under Section 34 of the Land Acquisition Act, 1894.

10. Accordingly, let the LAC release the interest in terms of Section 34 of the Land Acquisition Act, 1894 within a period of three months for the period of delay. If the amount is released within a period of three months, interest shall be payable would be @ 9% per annum in terms of Section 34 of the Land Acquisition Act, 1894. However, after expiry of three months, the rate of interest shall be @ 15% per annum.

11. Insofar as the LAC is concerned, the LAC is free to take an action against the unlawful receiver, in accordance with law.

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

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 3, 2026/dk/ck