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

Date of decision: 5th November, 2026

Uploaded on: 10th November, 2026

\# **CNR No. DLHC010540122026**

\+ **W.P.(C) 16584/2026**

ZAKI AHMED .....Petitioner

Through: Mr. S. K. Rout, Ms. Dimple Dhamija, Mr. Aman Mehrotra, Mr. Rahul Kumar & Ms. Parmita Nath, Advs.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr Sanjay Kumar Pathak, Standing Counsel with Mrs K. K. Kiran Pathak Mr Sunil Kumar Jha Mr Mohd Sueb Akhtar Mr Kushagra Dixit Mrs Musarrat B. Hasmi, Advocates for LAC.

Mr. Sanjay Vashishtha, Standing Counsel for MCD, Mr. Siddhartha Goswami, Mr. Aditya Sachdeva and Ms. Richa Pandey, Advs. for MCD.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Land Acquisition Collector (*hereinafter 'LAC'*) to forward the reference petition filed by the Petitioner under Section 18 of the Land Acquisition Act, 1894 *(hereinafter, 'Act, 1894')* to the concerned District Judge for early adjudication.

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3. The case of the Petitioner is that in respect of ***Award No.12/LAC/N/12-13*** passed by the LAC, the commercial property bearing no. 10073, 74 and 75 [Part] Pul Bangash, Azad Market, Delhi, ad measuring 55 sq. mtrs. *(hereinafter, 'the subject property')* belongs to the Petitioner.

4. The said award was passed for acquiring the land in question for construction of Grade Separator at Rani Jhansi Road.

5. The Petitioner, who was the owner of the subject property had filed the reference petition under Section 18 of the Act, 1894 on 12th July, 2012. However, till date, the same has not been transmitted to the concerned District Judge.

6. On behalf of the MCD, Mr. Sanjay Vashishth, ld. Counsel, submits that the present writ petition is wholly barred by delay and laches, as more than 12 years have elapsed since the filing of the reference application. Reliance in this regard is placed upon ***Jagdish & Ors. v. Land Acquisition Collector/ADM, 2005 (83) DRJ 425 (DB)***.

7. The Court has considered the matter. In ***Jagdish & Ors. (supra)***, which was a similar case, the Co-ordinate Bench of this Court had held that when the petition is barred by delay and latches, it cannot be referred to the District Judge.

8. The relevant portion of the judgment is set out below:

> *"...5. These averments made in the application, in the facts and circumstances of the case, apparently seems to be incorrect. It is contrary to the normal conduct of a prudent person, that after having filed the application under Section 18 of the Act, which is undisputedly a very valuable right of the claimant, he would take no steps to find out the fate of his application for a period of more than 12 years. Except the letter dated 17th September,*

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2004 produced by the petitioner on record no other letter has a receipt or acknowledgement from the respondent-Department. The application dated 17th September, 1992 has no endorsement or stamp of the Department like in the application dated 17th September, 2004. This application was not sent by post. ***The other reference made in the application is to the letter dated 11th November, 1998 and even a copy of this letter has not been produced before the Court in this writ petition. There is no explanation in this writ petition as to why the petitioner remained quiet and did not approach the Court of competent jurisdiction in this regard for this long period of 12 years. There is an in-built contradiction in the stand taken by the petitioner before us.*** *On the one hand, he claims to have visited the office of the Collector on various occasions and despite the fact that he got no satisfactory reply, the petitioner failed to take steps in accordance with law; while on the other, the petitioner claims to have written letters which were neither sent by post nor an acknowledgment taken for delivering such letters including the petition under section 18 of the Act at the office of the Collector. We may also notice here, that admittedly the petitioner was in touch with the counsel since the year 1998 and what could be the reason for the petitioner not to approach the Court of competent jurisdiction, is a question which has been left to the imagination of anyone. Why no acknowledgment was taken from the office of the Collector for submission of the said petition and why it or subsequent letters thereto were not sent by Registered post or under postal certificate is again an unexplained aspect of this case. The only document for which the petitioner care to obtain receipt from the Collector is the letter dated 17th September, 2004 If the petitioner was so vigilant about his rights that he was visiting the office of the respondent on various occasions, then it was but natural for the petitioner or his counsel to take recourse to appropriate*

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legal remedy without any unnecessary delay.

xxx *xxx* *xxx*

14. ***The maxim 'Delay defeats Equity' as it aids the vigilant and not the indolent, is also a well-established norm which applies with equal force to exercise of extraordinary jurisdiction of the High Court in the nature of prerogative writs. The relief claimed by the petitioner being jura in personam suffers from the defect of delay and latches as well as not doing the equity which is expected of the petitioner in all fairness. The petitioner has made an obvious attempt to mislead the Court and infringe the cardinal principles of basic rule of law.*** *In the case of Municipal Council, Ahmednagar and Anr. vs. Shah Hyder Beig and Ors. (2000) 2 Supreme Court Cases 48, the Supreme Court applied the doctrine of 'Delay defeats latches' to the cases under the Land Acquisition Act and held that "21 years long delay after issuance of the notification and 16 years from the date of making over possession and passing of the award, the relief was belated" and dismissed the writ petitions. The principles established in this case are squarely applicable to the facts of the present case."*

9. The present case is distinguishable from ***Jagdish & Ors. (supra),*** in as much as, in the said case, the application filed under Section 18 of the Act did not bear any endorsement or acknowledgement of the concerned Department. In the present case, however, the application under Section 18 of the Act, 1894 bears a due acknowledgement of the Department *prima facie*, showing receipt of the reference petition on 12th July 2012. The said endorsement bears the stamp of the LAC office.

10. Under these circumstances, the Court is inclined to direct that the LAC would now send the reference application under Section 18 of the Act, 1894

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to the concerned District Judge within a period of two months from this order.

11. Further, LAC shall confirm the authenticity of the seal and diary number, etc. which is depicted on the reference petition attached as ***Annexure P-1.*** The same is extracted below:

IN THE COURT OF LAND ACQUISITION COLLECTOR
[DISTRICT NORTH], 1 KRIPA NARAIN MARG, DELHI

IN THE MATTER OF:

ZAKI AHMED
S/O LATE ZAFAR AHMED
R/O 10198-99, 2ND FLOOR
GALI GANDHAK WALI
NAWAB GANJ, AZAD MARKET
DELHI-110006. PETITIONER

VERSUS

1. UNION OF INDIA
THROUGH LAND ACQUISITION COLLECTOR
[DISTRICT NORTH],
1, KRIPA NARAIN MARG, DELHI-110054.

2. MUNICIPAL CORPORATION OF DELHI
(DISTRICT NORTH)
TOWN HALL, CHANDNI CHOWK
DELHI-110006 RESPONDENTS

LAC/N/T/N Dy No. 222 Date 12/7/12

AWARD No.: 12/LAC/N/2012-13
AREA: PUL-BUNGAUSH,
RANI JHANSI ROAD DELHI

PETITION FOR REFERENCE UNDER SECTION 18 OF THE LAND ACQUISITION ACT AGAINST FINDINGS AND DETERMINATION OF MARKET VALUE OF LAND STRUCTURE, LOSS OF EARNING, SHIFTING ETC MADE BY THE LAC VIDE HIS AWARD.

Hon'ble Sir,

1. That the petitioner is the absolute owner of the property bearing No.10073, 74 & 75, situated at Pul-Bangash, Azad Market, Delhi admeasuring 55 sq. mtrs. approx which has been acquired by the above award.

2. That the petitioner was carrying on a commercial business in the acquired property much prior to the date of notification under Section 4 of the LA Act

Land Acquisition Collector, Dist. Central, Delhi
Copy supply under RTI, Act-Rules

(LA Central)
14, Darya Ganj, New Delhi-02

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12. Needless to add, if the concerned Reference Court awards compensation to the Petitioner, the question as to whether the Petitioner would be entitled to any interest for this period during which the Petitioner did not approach the Court *i.e.*, period of 14 years from 12th July, 2012 till 5th November, 2026 shall also be liable to be considered by the Reference Court.

13. Petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 5, 2026
Rahul/sm

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