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

Date of Decision: 23rd April, 2026

Uploaded on: 24th April, 2026

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W.P.(C) 2686/2018

ANAND KHANNA

.....Petitioner

Through: Mr. S. K. Rout, Mr. Aman Mehrotra,
Ms. Prabasini Pradhan & Ms. Alka
Singh, Advs. (M: 9818522926)

versus

UNION OF INDIA

.....Respondent

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K. K. Kiran Pathak,
Mr. Sunil Kumar Jha, Mr. Mohd. Sueb
Akhtar & Mrs. Joohu Kumari,
Advocates for LAC. (M: 9793585441)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner, who is the *bhumidar*/owner of the land measuring 19 biswas (950 Sq. Yds.) out of *Khasra No.30/1/1* situated in urbanized Village – Nagli Sakrawati, Delhi (*hereinafter, 'the subject land'*), has filed the present petition challenging the impugned order dated 8th January, 2018 (*hereinafter, 'the impugned order'*) passed by the LAC/ADM (South West), Kapashera, New Delhi.
3. *Vide* the impugned order, a reference petition under Section 18 of the Land Acquisition Act, 1894 (*hereinafter the 'Act'*) filed by the Petitioner had been rejected as being barred by time.



4. The background of the case is that a notification u/s 4 of the Act dated 7th April, 2006 was issued for the acquisition of the subject land. Thereafter, a notification u/s 6 of the Act was issued on 4th April, 2007, declaring the acquisition of the land of the Petitioner for public purpose.

5. *Vide* award no. 13/2008- 09/SW dated 30th March, 2009, the land of the Petitioner was acquired and compensation was assessed by the LAC. The said compensation was also received by the Petitioner on 17th November, 2011.

6. Before this Court, the submissions of Mr. Rout, ld. Counsel appearing for the Petitioner are two-fold. Firstly, that the notice issued by the Respondent under Section 12(2) of the Act, notifying him of the award dated 30th March, 2009 was issued at the wrong address and the Petitioner did not receive the same. This is despite the Department having the correct address of the Petitioner.

7. Secondly, it is stated that immediately upon the compensation being received by the Petitioner on 17th November, 2011, the reference petition u/s 18 of the Act was filed on 19th December, 2011. Hence, the same could not have been held to be time barred.

8. On behalf of the Petitioner, it is also submitted that the reference petition u/s 18 of the Act could not be dismissed by the LAC and ought to have been sent to ld. District Judge itself.

9. On behalf of the LAC, Mr. Jha, ld. Counsel submits that in terms of Section 18(2)(b) of the Act, the award in this case was passed on 30th March, 2009 and reference petition was filed only on 19th December, 2011, which is beyond the six months period prescribed in the said provision.

10. The Court has considered the matter. A perusal of the counter affidavit



filed by the Respondent and notices attached thereto would show that the notice under Section 12(2) of the Act, notifying the Petitioner of the award dated 30th March, 2009 was issued on 3rd August, 2009 to Mr. Anand Khanna S/o R.K. Khanna, **RZ-73, Inder Puri, New Delhi**.

11. Previous notices under Sections 9 & 10 of the Act dated 10th July, 2008 have also been issued to the Petitioner on the same address.

12. The impugned order, however, has been passed with the correct address of the Petitioner i.e. **RA-53, Inderpuri, Delhi-110012**. Thus, the notices were clearly sent at the wrong address.

13. Reliance has also been placed by the Petitioner on a similar case in ***W.P.(C) 7817/2017*** titled ***Chet Singh Rana v. Union of India*** where the Division Bench of this Court, vide order dated 5th September, 2017, has held that in any event, the Petitioner ought to be forwarded to the concerned District Judge, who would also decide the issue of limitation u/s 18 of the Act. The said order dated 5th September, 2017 is extracted 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.

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.



2026:DHC:3414-DB



19. All rights and contentions of the parties are left open.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 23, 2026/dk/ss