



2025:DHC:1089-DB



IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 21.02.2025

+ **W.P.(C) 14930/2024**

AZHAR AHMED

..... Petitioner

versus

UNION OF INDIA AND ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Sonal Anand with Mr Aayush Sai and Ms Surbhi Singh, Advocates.

For the Respondents : Mr Rajneesh K. Sharma with Mr Ritank Kumar and Mr Anil Pandey, Advocates for R-1 and R-4.
Mr Tushar Sannu, Advocate for DDA.

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HON'BLE MR JUSTICE VIBHU BAKHRU

HON'BLE MR JUSTICE ANOOP KUMAR MENDIRATTA

JUDGMENT

VIBHU BAKHRU, J.

1. The petitioner has filed the present petition, inter alia, praying as under: -

“A. Allow the present Petition;

B. Issue a Writ, order, or direction in the nature of the Mandamus or any other writ directing the Respondent to pay the enhanced compensation under the land acquisition in respect of the petitioner's land ad



measuring 1 Bigha and 8 Biswas forming part of Khasra no.57 situated in village Behlolpur, Khader, Mehrauli Tehsil, New Delhi acquired vide award no. 15/1992-93 dated 19.06.1992 similar to the compensation given to the village Kilokari, Delhi; in interest of justice and equity;

C. Pass such other and further orders which this Hon'ble court may deem fit and proper, in the facts and circumstances of the present case.”

2. The petitioner claims that his mother Nazar Ahmed purchased the land admeasuring 1 Bigha 8 Biswas forming part of Khasra no. 57 situated in village Behlolpur, Khader, Mehrauli Tehsil, New Delhi (hereafter *the subject land*) by virtue of the sale deed dated 17.05.1984. The petitioner's mother was the owner of the part portion of the subject land.

3. The Notification under Section 4 of the Land Acquisition Act, 1894 (hereafter *the LA Act*) for acquisition of certain lands including the subject land in village Behlolpur, for the project namely Planned Development Delhi (viz channelization of Yamuna River), was published on 23.06.1989.

4. The aforesaid Notification was followed by a declaration dated 22.06.1990 under Sections 6 and 17 of the LA Act. Thereafter, an award dated 19.06.1992 [being Award No. 15/92-93] was passed under Section 11 of the LA Act, in respect of certain lands including the subject land, wherein the market value of the lands was determined at ₹27,344/- per bigha. Various land owners, who were dissatisfied with



the compensation, sought a reference under Section 18 of the LA Act for enhancement of compensation. The reference was forwarded to the learned ADJ, Saket Courts for adjudication. Although the subject land was also covered under the Notification issued under Section 4 of the LA Act and the Award dated 19.06.1992, the petitioner did not seek any reference for enhancement of compensation at the material time.

5. The learned ADJ disposed of the reference in terms of the order dated 07.07.2022 enhancing the compensation to ₹2,50,000 per bigha along with interest.

6. The petitioner claims that in another petition [being *W.P.(C) 8932/2018* captioned *Sarita Jain v. Lt. Governor, NCT of Delhi and Ors.*], this court had directed the concerned ADM (SE) to pass a reasoned order, after affording the petitioner in that case, an opportunity to explain the factual position and provide the relevant documents regarding the compensation amount computed by the petitioner. The petitioner states that pursuant to the said order, the concerned authority had passed an order dated 18.04.2022, which, in effect, determined the compensation for the land at ₹2,76,62,381.6 per bigha. The petitioner claims that village Kilokari and Behlolpur Khadar are in close proximity, and the value of the land in Behlolpur Khadar is not materially different from the value of the lands in village Kilokari. Therefore, the value of the petitioner's land is also required to be computed on the said basis.



7. The learned counsel for the petitioner states that the petitioner has not filed any application under Section 28A(1) of the LA Act. The petitioner, on the principle of parity, is entitled to the similar compensation as awarded to co-villagers in respect of their lands. Additionally, he submits that the petitioner has recently become aware of the enhanced compensation awarded to other co-villagers and therefore, is also entitled to file an application under Section 28A(1) of the LA Act. He stated that according to the LAC, the said application would be beyond the period of three months from the date of the orders passed by the learned ADJ enhancing the compensation. However, the period of limitation is required to be computed from the date when the petitioner became aware of such enhanced compensation.

8. The learned counsel for the petitioner also earnestly contended that notwithstanding the petitioner has not made any application, he was on the principle of parity entitled to enhance compensation as awarded to other co-villagers. He referred to the decision in the case of *Kalawati v. Union of India & Ors.: (2004) 74 DRJ 515 (DB)* in support of his contention.

9. The present petition was heard along with *W.P.(C)16525/2024* captioned *Balwan Singh and Ors. v. GNCTD and Another*. The controversy involved in the present petition is squarely covered by the decision rendered by this court today in the said petition.

10. We are unable to accept the contention that the petitioner would be entitled to enhanced compensation as awarded to other co-villagers



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notwithstanding that he had neither file a reference under Section 18 of the LA Act nor preferred an application under Section 28A(1) of the LA Act. The contention whether the petitioner is entitled to file an application under Section 28A(1) of the LA Act within a period of three months on becoming aware of the award of enhance compensation by the Court of learned ADJ has been considered by this court in *Balwant Singh and Ors. v. GNCTD and Anr.: W.P.(C) 16525/2024*, which has been disposed of by a separate order.

11. For the sake of brevity, the reasons as set out in the said decision may also be read as a part of the present order.

12. In view of the above, the present petition is dismissed.

VIBHU BAKHRU, J

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 21, 2025

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