



2026:DHC:7827



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 14th September, 2026***# **CNR No. DLHC010222542019**+ **LA.APP. 76/2019****SKY HIGH AGRO EXPO PVT LTD****.....Appellant****Through: Mr. L.B.Rai, Mr. Vinesh Tyagi
and Mr. Adearsh Singh,
Advocates.****versus****UNION OF INDIA & ANR****.....Respondents****Through: Mr. Sanjay Kumar Pathak,
Standing Counsel for UOI with
Mr. Sunil Kumar Jha, Mr. M.S.
Akhtar, Mr. Kushagra Dixit,
Advocates.
Mr. Roshan Lal Goel and Mr.
Bhuvan Goel, Advocates for
DDA.**# **CNR No. DLHC010222552019**+ **LA.APP. 77/2019****MONIKA GARG****.....Appellant****Through: Mr. L.B.Rai, Mr. Vinesh Tyagi
and Mr. Adearsh Singh,
Advocates.****versus****UNION OF INDIA & ANR****.....Respondents****Through: Mr. Sanjay Kumar Pathak,
Standing Counsel for UOI with
Mr. Sunil Kumar Jha, Mr. M.S.
Akhtar, Mr. Kushagra Dixit,
Advocates.**



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Mr. Roshan Lal Goel and Mr.
Bhuvan Goel, Advocates for
DDA.

CNR No. DLHC010222032019

+ LA.APP. 78/2019

SUPERB AGRO EXPO PVT LTD

.....Appellant

Through: Mr. L.B.Rai, Mr. Vinesh Tyagi
and Mr. Adearsh Singh,
Advocates.

versus

UNION OF INDIA & ANR

.....Respondents

Through: Mr. Sanjay Kumar Pathak,
Standing Counsel for UOI with
Mr. Sunil Kumar Jha, Mr. M.S.
Akhtar, Mr. Kushagra Dixit,
Advocates.
Mr. Roshan Lal Goel and Mr.
Bhuvan Goel, Advocates for
DDA.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present appeals have been filed under Section 54 of the Land Acquisition Act, 1894 challenging the order dated 08.08.2018 passed by the learned Additional District Judge in L.A.C No. 04/2014, order dated 07.08.2018 passed by the learned Additional District Judge in L.A.C No. 03/2014 and order dated 09.08.2018 passed by the learned Additional District Judge in L.A.C No. 05/2014 (hereinafter '**impugned orders**') whereby the applications filed by the respective



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appellants under Section 28A (3) of the Land Acquisition Act, 1894 ('LA Act') were dismissed.

2. Succinyl stated, the appellants were owners of Land situated in the Revenue Estate of Village Bakkarwala, Delhi. The land of the appellants was acquired *vide* Award No. 1/DC(W)/2006-07 in pursuance of Notification under Section 4 of the LA Act dated 17.06.2005 and Notification under Section 6 of the LA Act dated 31.05.2006.

3. The learned Land Acquisition Collector passed an Award under Section 11 of the LA Act bearing No. 1/DC(W)/2006-07 and determined the value of the land part under acquisition @ Rs. 15,70,000/- per acre.

4. Aggrieved by the compensation so determined, other similarly situated landowners, whose lands had also been acquired pursuant to the same notification and award, sought enhancement of compensation by filing reference petitions. One such reference, being LAC No. 7/9/07, titled ***Kailashwati v. Union of India & Ors.***, came to be decided by the learned Additional District Judge *vide* judgment dated 26.04.2010, whereby the compensation was enhanced to Rs.20,35,255/- per acre, along with all statutory benefits.

5. In view of the aforesaid enhancement, the appellants filed separate applications under Section 28A of the LA Act seeking re-determination of the compensation awarded to them. The appellants contended that their lands were covered by the same Notification under Section 4 and the same Award No. 1/DC(W)/2006-07, and that they were consequently entitled to re-determination of compensation



in terms of the judgment dated 26.04.2010 passed in *Kailashwati*.

6. Since the applications filed by the appellants under Section 28A remained pending and no proceedings were initiated thereon for a considerable period, the appellants were constrained to approach this Court by filing separate writ petitions. The appellants brought to the notice of this Court that, during the pendency of their applications, this Court had further enhanced the compensation in respect of lands situated in the Revenue Estate of Village Bakkarwala acquired pursuant to the same notification and award, in L.A. Appeal No. 784/2011, titled *Jamna v. Union of India & Ors.*, decided on 08.07.2011.

7. A coordinate Bench of this Court allowed the aforesaid writ petitions *vide* orders dated 21.03.2013 and directed the Land Acquisition Collector to forthwith dispose of the applications for re-determination under Section 28A of the LA Act. Taking note of the fact that nearly three years had elapsed since the filing of the applications and also taking into consideration the judgments in *Kailashwati (Supra)* and *Jamna (Supra)*, this Court directed the Land Acquisition Collector to dispose of the applications with utmost expedition and, in any event, not later than 31.05.2013.

8. Pursuant to the aforesaid directions, the learned Land Acquisition Collector passed separate orders dated 29.05.2013, allowing the applications filed by the appellants under Section 28A and re-determining the compensation in terms of the judgment in *Kailashwati (Supra)*. However, the enhanced rate of compensation subsequently determined by this Court in *Jamna (Supra)* was not



granted to the appellants.

9. Aggrieved by the aforesaid orders, the appellants filed separate applications seeking reference under Section 28A(3) of the LA Act for re-determination of the compensation by the learned Additional District Judge. The appellants claimed that they were entitled to re-determination of compensation in terms of the judgment dated 08.07.2011 passed by this Court in ***Jamna (Supra)***, whereby compensation in respect of the same notification and award had been further enhanced.

10. As the references under Section 28A(3) were not being forwarded by the Land Acquisition Collector, the appellants were again constrained to approach this Court by filing separate writ petitions. This Court *vide* orders dated 19.11.2013 directed the Land Acquisition Collector to forward the references to the competent court within the stipulated period, in terms of Section 28A(3) of the LA Act.

11. By the separate impugned orders, the learned ADJ dismissed the applications/reference petitions filed by the appellants seeking further re-determination of compensation on the basis of the judgment in ***Jamna (Supra)***. The learned ADJ held that the appellants had already availed the benefit of Section 28-A of the Act on the basis of the judgment in ***Kailashwati (Supra)*** and that a subsequent judgment of the appellate court under Section 54 of the Act could not give rise to a fresh cause of action for re-determination under Section 28-A.

12. The learned ADJ held that the appellants were not entitled to claim the enhanced compensation awarded in ***Jamna (Supra)***. The learned ADJ further observed that Section 28-A was intended to



benefit poor, illiterate and inarticulate landowners and, while observing that the appellants did not fall within such category, nevertheless held that the benefit of Section 28-A could not be denied to them on that ground alone. Consequently, the learned ADJ upheld the re-determination made by the LAC on the basis of ***Kailashwati (Supra)*** and dismissed the appellants' claims for further enhancement.

13. Aggrieved thereby, the appellants have preferred the present appeals.

14. Learned counsel for the appellant submits that the learned Additional District Judge erred in declining re-determination of compensation on the basis of ***Jamna (Supra)***, despite the appellant's land having been acquired under the same notification and award and being situated in the same village. The learned Court wrongly held that the appellant was disentitled to the subsequent enhancement merely because compensation had earlier been re-determined under Section 28A of the Land Acquisition Act, 1894 on the basis of ***Kailashwati (Supra)***.

15. He submits that the earlier re-determination under ***Kailashwati (Supra)*** could not bar the appellant from claiming the benefit of the subsequent enhancement in ***Jamna (Supra)***, which concerned land acquired under the same notification and award.

16. He submits that, it is well settled that where enhancement of compensation in respect of lands covered by the same notification is pending in appeal, the Collector ought to await the outcome of such proceedings. If the compensation is subsequently enhanced, the landowners whose lands were acquired under the same notification are



entitled to the benefit of such enhanced compensation.

17. *Per Contra*, the learned counsel for the respondent submits that the present appeal is not maintainable, as the compensation payable to the appellant has already been determined by the learned Additional District Judge vide judgment dated 09.08.2018, which has attained finality. The appellant is, therefore, not entitled to seek any further enhancement.

18. He submits that the Land Acquisition Collector, *vide* letter dated 03.01.2014, has set out the relevant facts and details concerning the compensation payable to the appellant. It is submitted that the appellant has already been awarded fair market value for the acquired land and there is no justification for any further enhancement.

19. I have heard the counsel and perused the record.

20. It is undisputed that the application filed by the appellants under Section 28A of the Land Acquisition Act, 1894, was allowed by order dated 29.05.2013 and compensation awarded to the appellants for acquisition of land was enhanced to ₹20,35,255/- per acre, in terms of the award passed in the reference case of **Kailashwati v. UOI** being LA No. 7/9/07. The appellants are, however, aggrieved that a subsequent application for further enhancement to ₹23,93,227.20/- per acre in terms of the judgment passed by the High Court in LA. APP. 784/2011 titled as **Jamna v. Union of India** has been refused by the learned Reference Court. The learned Reference Court by the impugned order rejected the applications filed by the appellants holding as under:

“45. In my considered opinion the re-determination of compensation under Section 28-A by the Collector on the basis of



the judgment of Kailashwati (Supra) of reference court is legal, correct and does not require interference of this court.

46. Ld. Counsel for the DDA vehemently argued that petitioner is an industrialist and misusing the provision of Section 28-A of the Act, The judgment of Girimallappa Vs Special Land Acquisition Officer M and MIP and another, (2012) 11, SC 548 referred for reference, in this judgment object of Section 28-A of the Act have been highlighted. The relevant para is as under;

7. This Court in State of Orissa V. Chtrasen Shot considered this aspect and held:-

15. The scope of provision of Section 28-A of the Act was considered by this court in Mewa Ram V. State of Haryana and the court placed emphasis particularly on Para 2 (ix) of the Statement of Objects and Reasons of this Amendment Act, 1987 which provided for a special provision for inarticulate and poor people to apply for redetermination of the compensation amount on the basis of the court award In a land acquisition ' reference filed by comparatively affluent landowner. The court observed as under:-

4..... Section 28 A in terms does not apply to the case of the petitioners they do not belong to that class of society for whose benefit the provision is intended and meant i.e. inarticulate and poor people who by reason of their poverty and ignorance have failed to take advantage of the right of reference to the civil court under Section 18 of the Land Acquisition Act, 1894.

This court approved and reiterated the law laid down in Mewa Ram in Scheduled Caste Coop. Land Owning Society Ltd, Vs Union of India.

16..... In Babua Ram Vs State of UP's, this court again reiterated the law laid down in Mewa Ram observing as under:-

36..... Legislature made a "discriminatory policy between the poor and inarticulate" as one class of person to whom the benefit of Section 28- A was to be extended and comparatively affluent who had taken advantage of the reference under Section 18 and the latter as a class to which the benefit of Section 28-A was not extended. Otherwise the phraseology of the language of the non obstinate clause would have been differently worded....

37 It is true that t.1e legislature intended to relieve hardship of the poor, indigent and inarticulate interested persons who generally failed to avail the reference under Section 18 which is an existing bar and to remedy it, Section 28-A was enacted giving {a} right and remedy for re-determination.... The legislature appears to have



presumed that the same state of affairs continue to subsist among the poor and inarticulate person and they generally fail to avail the right under sub-section (1) of Section 18 due to poverty or ignorance or avoidance of expropriation.

17. Thus, it is apparent that the legislature has carved out an exception in the form of Section 28- A and made a special provision to grant some relief to a particular class of society, poor, illiterate; ignorant and inarticulate people. It is made only for 'little Indians'~.

(emphasis added)

The petitioner cannot claim, by any means, to fall under the said category of "little Indians". However, as the said order has not been challenged by the respondent(s) we cannot examine the issue further, even if the order is totally unwarranted.

47. *In my considered Opinion, the petitioner remain ignorant and did not file application under Section 18 of the Act after passing of the award. The petitioner also not belonging to poor class of people or not an illiterate and inarticulate, however legal right envisage under Section 28-A cannot be discriminated being the industrialist. The petitioner falls into the category of "ignorant person", therefore, the benefit of Section 28-A cannot be deprived to the petitioner.*

48. *On the basis of above observation and discussion, in my considered opinion, the Land Acquisition Collector, legally and correctly redetermined the compensation as awarded by reference court vide judgment of Kailashwati Vs Union of India dated 26.04.2010. Accordingly, issue no. 2 & 3 are decided against the petitioner and in favour of respondents.*

49. *Relief In view of finding on issue no 2 & 3 the petitioner is not entitled for any enhancement and the petition is answered accordingly. No order as to cost. Decree Sheet be prepared accordingly."*

21. The view taken by the learned Reference Court, in the opinion of this Court, is incorrect. Once the application filed by the appellant under Section 28A(1) of the Act had already been allowed and had attained finality being not challenged by the respondents, the learned Trial Court could not have relied upon the judgment in the case of **Girimallappa v. Special Land Acquisition Officer M and MIP and another: (2012) 11 SCC 548**. The learned Reference Court was not



considering the appellants' entitlement in terms of Section 28A(1) of the Act but was seized of the issue in regard to the further enhancement in terms of subsequent judgment passed by the High Court.

22. In this regard, the reliance can also be placed on the recent judgment passed by the Apex Court in ***Andanayya and Others v. Deputy Chief Engineer and Others***, 2026, SCC OnLine SC 482.

23. A copy of the judgment was also supplied to the learned counsel for the respondent, who have also not disputed that the issue decided by the Apex Court would be applicable to the facts of the present case. The Hon'ble Apex Court in the said judgment held as under:

"25. From the analysis made hereinabove on the relevant provisions of the Act and the judgments relied upon by the parties, we are inclined to hold that even a second application made under Section 28-A of the Act after the award passed by the High Court is maintainable and entitled to be considered by the Collector/LAO. We are of the view that, entertaining an earlier application filed under Section 28-A of the Act on the basis of the award of the Reference Court followed by the receipt of money, shall not act as a bar for the same applicant to seek further re-determination of compensation on the basis of the award passed by the High Court or this Court.

26. It is the doctrine of merger that comes into application in such circumstances. The benefit of an enhanced compensation received by a landowner, consequent to the final award passed by the appellate forum, would also extend to similarly placed landowners who seek re-determination of compensation under Section 28-A of the Act. To put it differently, when 'A' obtains an award from the Reference Court, 'B' can also receive the benefit of the same by invoking Section 28-A of the Act. Similarly, when 'A' receives an enhancement from the High Court or this Court, 'B' is also entitled to receive the same enhancement, notwithstanding the earlier receipt of money under Section 28-A of the Act based upon the award of the Reference Court. The decision of this Court in Pradeep Kumari (supra) has to be



understood and applied only in a context when multiple awards come to be passed by the Reference Court itself and not in the present context when a subsequent award is passed by the High Court or by this Court. Ultimately, the object of Section 28-A of the Act is to maintain parity and equality between the similarly placed landowners in the payment of compensation. The question of estoppel, waiver or acquiescence would thus not arise, in view of the statutory prescriptions under Section 28-A of the Act.”

(emphasis supplied)

24. Thus, it is no more *res integra* that upon satisfying the conditions for making an application under Section 28A of the LA Act, the interested person shall be entitled to the same relief as has been granted to other persons seeking reference and getting enhanced compensation in further appeals.

25. In the present case, the application of the appellants under Section 28A of the LA Act has already been allowed and the said order has not been challenged. Thus, since the appellants have already been held to be entitled to compensation under Section 28A of the LA Act, they shall also be entitled to the enhanced compensation awarded to similarly situated persons.

26. In view of the above, the appellants are held entitled to enhanced compensation as has been granted by the Co-ordinate of Bench of this Court in ***Jamna*** (*Supra*).

27. The appeals are allowed in the aforesaid terms with consequential reliefs. Pending applications (if any) also stand disposed of.

28. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

SEPTEMBER 14, 2026/ᵀᵀ