

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-7325-26-CWP-2015 in/and
RA-CW-261-2014 in CWP-16613-1992**

Date of Decision: 17.07.2015

Union of India

. . . Review-applicant

vs.

Special Land Acquisition Collector & Ors. Respondents

**CORAM: HONBLE MR.JUSTICE SURYA KANT
HONBLE MR.JUSTICE AMOL RATTAN SINGH**

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Present: Mr. Vivek Singla, Sr. Panel Counsel, UOI

SURYA KANT J. (Oral)

(1) The writ petition challenging the order passed by the Special Land Acquisition Collector under Section 28-A of the Land Acquisition Act, 1894 (in short, 'the Act') was dismissed vide order dated March 14, 2014. The Union of India now seeks to review that order on the ground that before filing application under Section 28-A, the respondent-landowners had also filed a reference under Section 18 of the Act regarding the land in question hence their application under Section 28A was not maintainable.

(2) It may be observed that as per the averments made by the review-applicant (UOI) in para 5 of the writ petition, the land of respondents No.2 to 9 measuring 104 Kanal 4 marlas was acquired. They filed a reference under Section 18 regarding 100K - 4M of land leaving behind 4 kanals of land. Thereafter, Section 28A application

was filed in respect of left out land measuring 4K only. Similar averment was made in para 7 of the writ petition also.

(3) In the review application there is now a complete shift in the stand taken on facts and it is claimed that in fact reference under Section 18 of the Act was filed by respondents No.2 to 9 in respect of entire land measuring 104K 4M. Had it been so, there would have been no occasion for the respondent-landowners to seek enhancement of compensation *qua* 4 kanal land at par with compensation for the remaining acquired land. Thus it appears that the plea taken in the review application is contrary to record and misconceived. In any case, nothing can be read into Section 28A to deprive a landowner the benefit of that provision merely on the ground that such landowner had earlier sought reference under Section 18 of the Act.

(4) Dismissed.

CM-7326-CWP-2015

Since the review application has been decided on merits, no order is required to be passed in this application which stands dismissed accordingly.

(Surya Kant)
Judge

17.07.2015
vishal shonkar

(Amol Rattan Singh)
Judge