

**RA-LP-26-2016 in
LPA-467-1990**

**Bathinda Improvement Trust
Versus
Anita Garg & Ors.**

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Alok Mittal, Advocate for the review applicant

Mr. Salil Sagar, Senior Advocate with
Mr. Samarth Sagar, Advocate and
Mr. Sankalp Sagar, Advocate for the appellant

This review application seeks to recall the order dated 31.08.2016 whereby the Letters Patent Appeals filed by the Improvement Trust were allowed and after setting aside the common order passed by learned Single Judge, the writ petitions challenging the acquisition have been dismissed.

The instant review application has been filed on the limited ground that during the pendency of the appeals, an application was filed by the applicant/owners to restrain the Bathinda Improvement Trust from demolishing their construction as was depicted in the site plan appended with the application and not to construct any road through their plot. In reply to that application, the Trust submitted that land of the review-applicants and their co-sharers measuring 7 bighas 10 biswas out of 7 bighas 18 biswas was acquired. The share of the review-applicants out of the above-stated acquired land was measuring 3 biswas and 6 biswas out of Khata No.668. Their other land measuring 4 bighas 10 biswas was part of Khata No.691 and that land “was not subject-matter of acquisition”.

The above-stated application was disposed of on February 12, 2002 by restraining the Trust from encroaching upon the area which was admittedly put in possession of the review-applicants.

This review application has been filed seeking clarification that the land of the review-applicants measuring 4 bighas 10 biswas which falls

in Khata No.691 and which has not been acquired by the Trust as per its own stand be not treated as subject-matter of acquisition.

We have heard learned counsel for the parties.

Since the above-stated issue is essentially a question of fact, this review application is disposed of with a clarification that our order dated 31.08.2016 pertains only to that land including that of the review-applicants which has been acquired by the State Government/Bathinda Improvement Trust. Our order is obviously not applicable *qua* the land which was not subject-matter of acquisition.

Disposed of.

(Surya Kant)
Judge

07.10.2016
vishal shonkar

(A.B.Chaudhari)
Judge