

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA-CW-121-2016 in CWP-4516-2014

Date of Decision: 03.11.2016

Varadraj Buildcom P.Ltd. & Ors.

... Review-applicants

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|--|-----------------|
| 1. Whether speaking/reasoned? | <i>Yes / No</i> |
| 2. Whether reportable? | <i>Yes / No</i> |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | <i>Yes / No</i> |
| 4. To be referred to the Reporters or not? | <i>Yes / No</i> |
| 5. Whether the judgment should be reported in the Digest? | <i>Yes / No</i> |

Present: Mr. Aashish Chopra, Advocate for review-applicants

SURYA KANT, J. (Oral)

CM-4726-CWP-2016

For the reasons mentioned in the application, the delay of 194 days in filing the review application is condoned.

CM stands disposed of.

RA-CW-121-2016

(1) Notice to AG Haryana. On our asking, Ms. Palika Monga, DAG Haryana accepts notice.

(2) Heard learned counsel for the parties.

(3) This review application seeks to recall/modify the order dated 10.09.2015 vide which this Court rejected the claim of the review-applicant/petitioners seeking a declaration that the impugned acquisition is deemed to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This Court viewed that since the review-applicant/petitioners are subsequent purchasers, they have no *locus standi* or

cause of action to seek the benefit under Section 24(2) of the 2013 Act. Reliance was placed on a Division Bench decision in **M/s National Packing Industries vs. State of Haryana & Ors. (CWP No.2304 of 2014)** decided on 08.08.2014 of which one of us (Surya Kant, J) was a member. In the cited decision, the claim under Section 24(2) of the 2013 Act was turned down in identical circumstances.

(4) Learned counsel for the review-applicants, nevertheless, submits that 2 out of total 7 sale deeds, were actually registered before the issue of Section 4 notification dated 06.01.2006. Those sale deeds are dated 23.08.2005 and 21.10.2005. He further submits that the principles evolved by this Court in **M/s National Packing Industries** (supra) or in **Rajiv Kumar vs. State of Haryana & Ors. (CWP No.20840 of 2014)** decided on 18.08.2015 are distinguishable *qua* the land purchased vide the above-stated two sale deeds. He urges that there is thus an error apparent on the face of the record.

(5) Having heard learned counsel for the review-applicant/petitioners, we are satisfied that the reasons assigned in this Court's order dated 10.09.2015 would be inapplicable *qua* the land which the review-applicants had purchased before Section 4 notification on 06.01.2006. The review application thus deserves to be allowed in part to the extent that the review applicant/petitioners are permitted to initiate fresh proceedings under Section 24(2) in respect of the land which they claim to have purchased before issue of Section 4 notification dated 06.01.2006. So far as the land purchased subsequently, learned counsel submits that the review-applicants/petitioners are ready to accept the compensation as enhanced by this Court vide order dated 29.01.2016 in a bunch of Regular

First Appeals including RFA No.3341 of 2011 in respect of the same acquisition. The review application *qua* the post-Section 4 notification sale instances is therefore dismissed with liberty to the petitioners to initiate appropriate proceedings for the award of compensation as per law *qua* the land which was subject matter of these subsequent sale-deeds.

(6) Ordered accordingly.

(Surya Kant)
Judge

03.11.2016
vishal shonkar

(Sudip Ahluwalia)
Judge