

**IN THE HIGH COURT OF PUNJAB AND HARYANA
At CHANDIGARH**

RA No. 84-CI of 2015 (O&M) in
R.F.A. No. 3332 of 2012

Date of decision : 25.2.2016

Ishwar Singh and others

..... Applicants-Appellants

VS

State of Haryana and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Arun Kaundal, Advocate for
Dr. Surat Singh, Advocate, the applicants-appellants.

Mr. Ravi Dutt Sharma, Deputy Advocate General, Haryana.

Rajesh Bindal J.

The prayer in the present review application filed by the landowners is for modification of the order dated 23.9.2014 passed by this Court disposing of the appeal filed by the applicants and awarding compensation to them in terms of the order passed by Hon'ble the Supreme Court in Civil appeal No. 3412 of 2015, Sachin and others vs State of Haryana and others decided on 31.3.2015.

Briefly, the facts of the case are that State of Haryana vide notification dated 29.1.2003, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land situated in villages Khandsa, Narsingpur, Mohammadpur Jharsa, Harsaru and Garauli Khurd, Tehsil and District Gurgaon for setting up of Industrial Complex to be planned and developed as Special Economic Zone ('SEZ') Phase-I. Notification under Section 6 of the Act was issued on 28.1.2004. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 27.1.2006, assessed the market value of the acquired land @ ₹ 15,00,000/- per acre for the land pertaining to revenue estates of villages Khandsa and Narsingpur and @ ₹ 12,50,000/- per acre for the land pertaining to revenue estates of villages Harsaru, Mohammadpur Jharsa and Garauli Khurd. Aggrieved against the awards of the Collector, the land owners filed

objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, assessed the market value of the acquired land @ ₹ 40,95,000/- per acre for the land pertaining to revenue estates of villages Khandsa and Narsingpur. Vide another award, the learned Reference Court assessed the market value of the acquired land @ ₹ 31,50,000/- per acre for the land pertaining to revenue estates of villages Garauli Khurd, Harsaru and Mohammadpur Jharsa. The aforesaid awards were impugned by the landowners as well as the Corporation in the bunch of appeals. This Court vide judgment dated 23.9.2014, passed in RFA No. 2174 of 2012, Smt. Savitri Devi vs The Land Acquisition Collector, Gurgaon and others, enhanced the compensation for the acquired land.

Learned counsel for the applicants-appellants submitted that against the judgment of this Court, Special Leave Petition No. 14241 of 2015 was filed before Hon'ble the Supreme Court, which was disposed of on 14.8.2015 granting permission to withdraw the SLP with liberty to approach the High Court for grant of compensation in terms of judgment of Hon'ble the Supreme Court in Sachin's case (supra). The submission is that since Hon'ble the Supreme Court had enhanced the compensation for the acquired land, the applicants-appellants may also be granted the same amount of compensation.

Learned counsel for the State could not dispute the contention raised by learned counsel for the applicants-appellants.

After hearing learned counsel for the parties and considering liberty granted by Hon'ble the Supreme Court, in my opinion, the order passed by this Court in the case of the applicants/appellants on 23.9.2014 deserves to be modified to the extent that the applicants-appellants shall be entitled to compensation in terms of judgment of Hon'ble the Supreme Court in Sachin's case (supra).

Ordered accordingly.

The application stands disposed of.

25.2.2016
vs

(Rajesh Bindal)
Judge