

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Review Application No. 244-CI of 2016 (O&M) in
RFA No. 135 of 2009
Date of decision: November 21, 2016

Aruna Bhagat

**.. Applicant/
appellant**

v.

State of Haryana and others

**.. Non-applicants/
respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

**Present: Mr. Sidharth Grover, Advocate for
Mr. S. S. Narula, Advocate for the applicant.**

Mr. Ankur Mittal, Addl. Advocate General, Haryana.

Mr. Vishal Garg, Advocate for HSIIDC.

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Rajesh Bindal J.

1. By filing the present application, review of the judgment of this court dated 3.11.2015 has been sought.

2. The case pertains to determination of compensation for acquisition of land, where notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 10.11.2000, published on 5.12.2000, vide which State of Haryana sought to acquire 20 acres, 7 kanals and 3 marlas of land, situated in village Kundli, Hadbast No. 55, Tehsil and District Sonapat for development of Industrial Estate in village Kundli. The same was followed by notification dated 28.11.2001,

short, 'the Collector'), vide award No. 3 dated 23.4.2003, assessed the market value of the acquired land @ ₹ 4,50,000/- per acre.

3. Dissatisfied with the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below assessed the market value of the acquired land @ ₹ 12,00,000/- per acre.

4. Still aggrieved, the land-owners as well as the HSIIDC filed appeals in this Court. In the appeals filed by the land owners, they were seeking further enhancement of compensation for the acquired land, whereas in the appeals filed by HSIIDC, the prayer was for reduction thereof. This Court in RFA No. 1854 of 2002 –Bhim Sain Juneja v. State of Haryana and others, decided on 3.11.2015, assessed the market value of the acquired land @ ₹ 28,10,000/- per acre.

5. The judgment of this court was challenged by the land owners by filing Special Leave to Appeal (C) No. 4612 of 2016—Poonam v. State of Haryana and another, and other connected cases, which were dismissed as withdrawn, vide order dated 18.3.2016, with liberty to file review applications. Thereafter, the applicant/land owner has filed the present review application.

6. Learned counsel for the applicant submitted that though a portion of the land acquired vide notification in question is located on GT Road, however, at the time of assessment of value, only for the land located beyond 4 acres from GT Road was assessed and not for the land abutting the GT Road. He further submitted that measurement of 4 acres depth has not been specifically provided in feet or yards. The same needs clarification.

The submission is that the Road has not been constructed along with killa

line, rather, killas have been cut across by the road. Calculation of compensation by taking the depth upto 4 acres from the road will be very difficult, as it will go diagonally in every killa. A straight line be permitted at the next killa line after 4 acres.

7. On the other hand, learned counsel for the respondents submitted that counsel for the land owner mis-stated the facts before Hon'ble the Supreme Court while pointing out error in the judgment with reference to non-assessment of compensation for the land abutting the GT Road and that the distance cannot be measured in acres. The judgment of this court was not set aside and the matter remanded back. The Special Leave Petitions were withdrawn to enable the applicant to file review applications before this court.

8. Heard learned counsel for the parties and perused the paper book.

9. Against the judgment of this court assessing the compensation, the land owners preferred Special Leave Petitions before Hon'ble the Supreme Court, which were dismissed as withdrawn on 18.3.2016, noticing their contention that value of the land abutting GT Road had not been assessed and further distance could not measured in acres, yet this court had used the said unit for determining the distance of land for the Highway. The submissions made by learned counsel for the land owners were to be considered on the basis of the material on record. Review jurisdiction of this court has been invoked, which has its limited scope. The judgment of this court was not set aside as the Special Leave Petitions were dismissed as withdrawn, hence, the only error apparent on record could be considered. Re-appraisal of evidence may not be possible.

10. As regards assessment of value of land abutting GT Road is concerned, the counsel for the applicant mis-stated the facts before Hon'ble the Supreme Court. In the case in hand, it was a small acquisition, which was abutting entirely on GT Road having a depth of maximum 4-5 acres. As the entire land is on GT Road, there is no question of measurement. After granting increase @ 12% per annum with cumulative effect for the time gap between two acquisitions, i.e., 22.10.1997 and 10.11.2000, the compensation was assessed.

11. Considering the aforesaid facts, the review application is dismissed. Consequently, the accompanying applications are also dismissed.

(Rajesh Bindal)
Judge

November 21, 2016
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No