

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Review Application No. 582-CI of 2016 (O&M) in
RFA No. 4101 of 2007
Date of decision: November 21, 2016

Gunwati and others

**.. Applicants/
appellants**

v.

State of Haryana and others

**.. Non-applicants/
respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. S. P. Khatri, Advocate for the applicants.

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

Mr. Vishal Garg, Advocate for HSIIDC.

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Rajesh Bindal J.

This order will dispose of Review Applications No. 582-CI, 583-CI of 2016 and 613-CI of 2016, as common issues are involved.

The cases pertain 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 30.3.2001, published on 6.8.2001, vide which State of Haryana sought to acquire 13 acres, 1 kanala and 14 marlas of land, situated in village Sersa, Hadbast No. 54, Tehsil and District Sonapat for construction of Solid Waste Disposal Dumping Ground required for Industrial Estate, Kundli at village Janti

Kalan and Sersa, Tehsil & District Sonapat. The same was followed by

notification dated 15.2.2002, published on 19.2.2002, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award No. 2 dated 23.4.2003, assessed the market value of the acquired land @ ₹ 2,00,000/- per acre.

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 @ ₹ 4,00,000/- per acre.

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 @ ₹ 5,50,000/- per acre.

The judgment of this court was challenged by the land owners by filing Special Leave to Appeal (C) No. 8909 of 2016—M/s Royal Agro Industries v. State of Haryana and another, and other connected cases which were dismissed as withdrawn, vide order dated 12.5.2016, with liberty to file review applications. Thereafter, the present applicants/land owners have filed the present review applications.

Learned counsel for the applicants submitted that measurement of 4 acres depth has not been specifically provided in feets 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.

On the other hand, learned counsel for the respondents submitted that counsel for the land owners 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 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 applicants to file review applications before this court.

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

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 12.5.2016, noticing their contention that value of the land abutting GT road had not been assessed and further distance could not be measured in acres, yet this court had used the said unit for determining the distance of land for the Highway.

As regards assessment of value of land abutting GT road is concerned, the counsel for the applicants mis-stated the facts before Hon'ble the Supreme Court. In the case in hand, no land abuts GT road. After applying thumb rule and keeping in view the value of the land assessed for development as Phase-IV pertaining to the land, which was not abutting GT road, the applicants were held entitled to compensation @ ₹ 5,50,000/- per acre. As no part of the acquired land abuts GT road, even the issue of measurement of 4 acres from GT road also does not arise. No other

arguments on merits can be considered in review jurisdiction as there is no error apparent on record.

Considering the aforesaid facts, the review applications are 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