

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Review Application No. 61 of 2016 (O&M) in
CWP No. 4671 of 2015
Date of decision: 8.2.2017

Harinder Singh and others

**.. Non-applicants/
petitioners**

v.

State of Punjab and others

**..Applicants/
respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Rajinder Goyal, Addl. Advocate General, Punjab.

Mr. Shailendra Jain, Senior Advocate with
Mr. Satyandra Chauhan; Mr. Sahil Nayyar
and Mr. Amarjit Markan, Advocates for the non-applicants.

...

Rajesh Bindal J.

CM No.2482 of 2016

For the reasons stated in the application, delay of 161 days in
filing the review application is condoned.

CM stands disposed of.

Review Application

The State has filed the review application seeking review of the
order dated 18.8.2015, passed by this court, allowing the writ petition.

The writ petition was allowed by this court, while referring to
Section 24(2) of the the Right to Fair Compensation and Transparency in
Land Acquisition, Rehabilitation and Resettlement Act, 2013 on the plea
raised by the non-applicants/ writ petitioners in the writ petition that they

had not been paid compensation for the super structure. The stand taken by learned counsel for the State was that in fact, the land was owned by Wakf Board and the writ petitioners were found to be encroachers thereon. They had raised some illegal construction. Wakf Board had already taken compensation for the entire acquired land. In fact, against the non-applicants/writ petitioners, eviction orders had already been passed under the Public Premises Act. In these circumstances, the non-applicants/writ petitioners could not be said to be the persons interested to have a right to challenge the acquisition of land. This issue escaped notice of the Bench while deciding the writ petition.

Learned counsel for the non-applicants sought to dispute the arguments stating that since the writ petitioners were in possession of the acquired land, they shall be deemed to be the persons interested and have a right to challenge the acquisition.

After hearing learned counsel for the parties, in our view, the order passed by this court on 18.8.2015 allowing the writ petition deserves to be re-called and the issue requires re-consideration. Ordered accordingly. The writ petition is restored to its original number. The same be now listed for hearing on 30.3.2017.

Review Application stands disposed of.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

8.2.2017
mk

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

