

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

RA-RF No. 104/CI of 2017 (O&M) in
R.F.A. No. 445 of 2013

Date of decision : May 05, 2017

Jagpal & Ors.

..... Applicants

vs

State of Haryana and others

..... Non-Applicants/ Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Gaurav Aggarwal, Advocate, for the applicants/appellants.

Mr. Ankur Mittal, Addl. A.G., 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 landowners 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 village Harsaru, 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 @ ₹ 12,50,000/- per acre. 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 @ ₹ 31,50,000. 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/ landowners submitted that against the judgment of this Court, Special Leave Petitions were filed before Hon'ble the Supreme Court, which were disposed of granting permission to withdraw the SLPs 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/ landowners 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/ landowners.

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

Ordered accordingly.

The review application stands disposed of.

May 05, 2017
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(Rajesh Bindal)
Judge

Whether speaking/reasoned – Yes/No
Whether reportable – Yes/No