

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RF-178-CI-2017 (O&M) in
RFA No.1578 of 2017
Date of Decision : 17.08.2017.

Ram Chander Yadav (deceased) through his LRs

.....Applicant/appellant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Gaurav Aggarwal, Advocate for the applicant/appellant.

ARUN PALLI, J. (Oral)

CM No.7205-CI-2017

This is an application for condonation of delay of 32 days in filing the review application.

Notice in the application.

On the asking of the Court, Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 to 3 and Mr. Pritam Singh Saini, Advocate for respondents No.4 and 5.

For the reasons set out in the application which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 32 days in filing the review application is condoned.

CM No.7206-CI of 2017

Allowed as prayed for.

RA-RF-178-CI-2017 in RFA-1578-2017

This is an application under Order 47 Rule 1 of the Code of Civil Procedure seeking review of the order dated 03.04.2017 (Annexure A-1), vide which, this Court had finally disposed of the appeal filed by the applicants.

Learned counsel for the applicants submits that this Court had disposed of the appeal on 03.04.2017, in terms of the decision of this Court, dated 21.09.2015, rendered in RFA No.2174 of 2012 (Smt. Savitri Devi Vs. The Land Acquisition Collector, Gurgaon and others), vide which, the land situated in village Harsaru and Garauli Khurd was assessed at ₹40,80,000/- per acre after applying 40% cut. However, he submits that in the appeal preferred by the claimants/landowners against the decision of this Court in the case of Smt. Savitri Devi (supra), the Supreme Court, vide order and judgment dated March 31, 2015 in SLP(C) No.499 of 2015 in Civil Appeal No.3412 of 2015 (Sachin and others Vs. State of Haryana and others), had reduced the cut from 40% to 30%. Further, in reference to the order dated 14.08.2015 (Annexure A-3), he submits that in the identical matters, the Supreme Court had granted liberty to the claimants/landowners to approach the High Court for similar orders as in Sachin and others (supra). Accordingly, it is prayed that since the land owned by the appellant was situated in village Harsaru, the review application be allowed and the appeal be disposed of in terms of the decision of the Supreme Court, dated March 31, 2015 in SLP(C) No.499 of 2015 in Civil Appeal No.3412 of 2015 (Annexure A-2).

Notice.

On the asking of the Court, Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accept notice on behalf of respondents No.1 to 3 and Mr. Pritam Singh Saini, Advocate for respondents No.4 and 5.

Neither the factual position, as set out above, is disputed by learned counsel for the respondents nor the prayer made in the application is opposed.

Accordingly, the application is allowed. The order dated 03.04.2017, is recalled and the appeal is restored to its original number.

RFA-1578-2017

For, learned counsel for the parties are ad idem that the matter in issue is squarely covered by the order and judgment dated March 31, 2015, rendered by the Supreme Court in SLP(C) No.499 of 2015 in Civil Appeal No.3412 of 2015 (Sachin and others Vs. State of Haryana and others), the present appeal too is disposed of in terms thereof.

17.08.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No