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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RF No.260-CI-2017 (O&M) in
RFA No.2616 of 2005
Date of Decision: 20.07.2018

Tek Chand @ Tek Ram (deceased) through LRs and others
..... Applicants

Versus

State of Haryana and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ashwani Talwar, Advocate
for the applicants.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Manoj Dhankhar, AAG, Haryana.

RAJESH BINDAL J.

By filing the present application, review of the order passed by this Court on 08.09.2008 has been sought on the ground that finally for the same acquisition of land, compensation was determined @ ₹ 16,08,000/- per acre vide order dated 29.05.2009 passed in RA No.6-CI of 2008 in RFA No.363 of 2005 titled as *Ram Chand alias Ram Chander (since deceased) through LR Raghbir Singh vs. State of Haryana and others*'. Along with the review application, application seeking condonation of delay of 3,262 days in filing thereof has also been filed.

Learned counsel for the applicants fairly submitted that the applicants will not claim interest for the period of delay in filing the review application. However, to maintain parity of compensation for the same acquisition, the applicants should be awarded same amount of compensation as has been granted to the other landowners.

CM No. 11516-CI of 2017

This is an application for impleading the legal representatives of deceased appellant No.1-Tek Chand @ Tek Ram, who died on 04.12.2005. It is stated in the application that the deceased left behind nineteen legal heirs.

For the reasons mentioned in the application, the applicants are impleaded as legal representatives of aforesaid deceased appellant. However, it is made clear that this order shall be considered only for the purpose of representation of aforesaid deceased before this Court.

CM stands disposed of.

CM No. 11517-CI of 2017

This is an application on the basis of Will dated 21.09.1992 for impleading the legal representatives of deceased appellant No.2-Ram Chander @ Chander Singh, who died on 09.12.2007. It is stated in the application that the deceased left behind two legal heirs.

As the prayer in the application is for impleadment of legal representatives of the aforesaid deceased, this Court without opining on the issue of inheritance on the basis of Will, directs impleadment of the applicants as legal representatives of the aforesaid deceased appellant, only for the purpose of representation in the present proceedings. However, it is made clear that mere impleadment of the applicants will not entitle them to receive the compensation. The same shall be decided by the Executing Court, if there is any dispute.

CM stands disposed of.

CM No. 11518-CI of 2017

This is an application for impleading the legal representative of deceased appellant No.8-Sunit Kumar, who died on 30.10.2008. It is stated in the application that the deceased was unmarried and he left behind only one legal heir, being mother.

For the reasons mentioned in the application, the applicant is impleaded as legal representative of aforesaid deceased. However, it is made clear that this order shall be considered only for the purpose of representation of aforesaid deceased before this Court.

CM stands disposed of.

CM No. 11519-CI of 2017

This is an application on the basis of Will dated 25.01.2011 for impleading the legal representatives of deceased

appellant No.20-Sube Singh, who died on 19.12.2013. It is stated in the application that the deceased left behind four legal heirs, including the applicant.

As the prayer in the application is for impleadment of legal representatives of the aforesaid deceased, this Court without opining on the issue of inheritance on the basis of Will, directs impleadment of the applicants as legal representatives of the aforesaid deceased appellant, only for the purpose of representation in the present proceedings. However, it is made clear that mere impleadment of the applicants will not entitle them to receive the compensation. The same shall be decided by the Executing Court, if there is any dispute.

CM stands disposed of.

Delay Application

After hearing learned counsel for the parties and considering the judgments of Hon'ble the Supreme Court in *Imrat Lal and others vs. Land Acquisition Collector and others*, 2015(2) RCR (Civil) 437 and *'Dhiraj Singh (D) Tr. LRs. vs. Haryana State and others*, 2015 (2) RCR (Civil) 507, delay of 3,262 days in filing the Review Application is condoned.

CM stands disposed of.

Review Application

Learned counsel for the State did not dispute the fact that

for the same acquisition in Ram Chand alias Ram Chander's case (supra), this Court had determined the compensation at the rate of ₹ 16,08,000/- per acre.

As for the same acquisition, this Court had determined the compensation at the rate of ₹ 16,08,000/- per acre in *Ram Chand alias Ram Chander's case (supra)*, to maintain parity, the applicants deserve to be awarded the same compensation.

Accordingly, the order passed by this Court on 08.09.2008 is modified and the applicants are held entitled to compensation at the rate of ₹ 16,08,000/- per acre as against ₹ 15,00,000/- per acre awarded earlier, along with all statutory benefits. However, for the period of delay in filing the Review Application, the applicants shall not be entitled to interest on the enhanced compensation, if any.

The review Application stands disposed of.

(RAJESH BINDAL)
JUDGE

20.07.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No