

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

RA-RF No. 97-CI of 2017 (O&M)
IN RFA No. 2737 of 2002

Date of decision: 7.9.2018

Virender Kumar & Sons (HUF)

.... Applicant

VS

State of Haryana and others

.... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Akshay Kumar Jindal, Advocates, for the applicants.
Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of three Review Applications bearing RA-RF No.97-CI of 2017 in RFA No. 2737 of 2002, RA-RF No. 98-CI of 2017 in RFA No. 2739 of 2002, and RA-RF No. 101-CI of 2017 in RFA No. 2738 of 2002, as the same arise out of common judgment.

However, the facts have been extracted from RA-RF No 97-CI of 2017.

The present application has been filed seeking review of the order dated 3.11.2015 passed by this court disposing of the appeal in terms of the main judgment in RFA No. 1854 of 2002 -Bhim Sain Juneja vs State of Haryana and others, whereby compensation for the land owned by the

applicants has been determined. Along with the review application, another application seeking condonation of delay of 505 days in filing thereof has been filed.

Delay

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 505 days in filing the Review Application is condoned.

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.

CM stands disposed of.

Review Application

Learned counsel for the applicants submitted that notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 24.7.1997 for acquisition of land owned by the applicants. This Court vide judgment under review assessed the compensation for the land acquired vide notifications issued under Section 4 of the Act on 14.10.1996, 24.7.1997, 5.8.1997, 22.10.1997. The compensation was assessed @ ₹ 10,40,000/- per acre for the land located beyond four acres from GT Road. The land of the review applicants is pertaining to same revenue estate as is the land forming part of notification dated 5.8.1997 and is located close by and acquired for the same purpose.

He further submitted that while deciding RA-RF No. 173-CI of 2016 in RFA No. 3520 of 2006- Bhim Singh and others vs State of Haryana and others, on 21.11.2016, this Court had assessed the value of the land located beyond four acres @ ₹ 14,00,000/- per acre, where notification under Section 4 of the Act was issued on 5.8.1997. The submission is that once the value of the land adjoining to the land of the applicants has already been re-determined @ ₹ 14,00,000/- per acre in Bhim Singh's case (supra), the review applicants should also be awarded same amount of compensation, as their land is located close to Delhi, hence, better located.

Learned counsel for the State could not dispute the aforesaid factual position regarding determination of compensation originally by this Court and as was re-determined in Bhim Singh's case (supra).

After hearing learned counsel for the parties and considering the arguments, I find merit in the submissions made by learned counsel for the applicants, as the value of the land where notification under Section 4 of the Act was issued on 5.8.1997 was re-determined by this Court in Bhim Singh's case (supra) @ ₹ 14,00,000/- per acre for the land situated beyond four acres from GT Road and the land of the applicants is located closer to Delhi as compared to land subject matter of consideration in Bhim Singh's case (supra), in my opinion, the review applicants also deserve to be granted same amount of compensation. In this case, notification under Section 4 of the Act was issued about 10 days prior in time i.e. on 24.7.1997. Accordingly, the review application is allowed. The amount of compensation payable to the applicants is determined @ ₹ 14,00,000/- per acre. The applicants/ landowners shall also be entitled to all statutory

benefits available under the Act. However, the applicant shall not be entitled to interest for the period of delay in filing the Review application.

Ordered accordingly.

The review applications are disposed of accordingly.

7.9.2018
vs

(Rajesh Bindal)
Judge

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