

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RF No. 127-CI of 2018 (O&M)
in R.F.A No. 29 of 2005

Date of decision : 13.7.2018

Om Parkash and another		Applicants
	vs	
State of Haryana and others		Respondent

Coarm: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rakesh Nehra, Advocates for the applicants.
Mr. Ankur Mittal Additional Advocate General Haryana.

Rajesh Bindal J.

The prayer in the present review application is for modification of order dated 10.2.2009 passed by this Court while disposing of bunch of appeals vide common order passed in RFA No. 1 of 2006 - State of Haryana and another vs Jagbir Singh and others and awarding compensation to them in terms of order passed by Hon'ble the Supreme Court in Civil Appeal No. 19354 of 2017 - Rajender Singh and others vs State of Haryana and others, on 17.11.2017, arising out of same acquisition. Along with the Review Application, the applicants have also filed application seeking condonation of delay of 3,355 days in filing thereof.

Impleading LRs

This is an application for impleading the legal representatives of deceased appellant Dharam Pal, who died on 12.2.2017. It is stated in the application that the deceased left behind two legal heirs.

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

Amended memo of parties annexed with the application is taken on record.

Civil misc. stands disposed of.

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 3,355 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.

Civil Misc. stands disposed of.

Review Application

Briefly, the facts of the case are that the State of Haryana vide notification dated 12.5.1995 issued under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), acquired the land within the revenue estate of Bahadurgarh, Hadbast No. 38, Tehsil Bahadurgarh, District Jhajjar, for development and utilisation as residential and commercial area in Sector-9 and 9-A, Bahadurgarh. The Land Acquisition Collector assessed the market value of the land at ₹ 6 lacs per acre for the land situated on Bahadurgarh-

Delhi road upto the depth of 3 acres, ₹ 4 lacs per acre for the land situated on Bahadurgarh-Najafgarh road upto the depth of 3 acres, ₹ 2.50 lacs per acre for nehri and chahi and ₹ 2 lacs per acre for barani and other kinds of land. The landowners/claimants feeling dissatisfied with the quantum of compensation awarded by the Collector, filed objections. On reference under Section 18 of the Act, the learned court below determined the market value of the acquired land by granting ₹ 50,000/- per acre increase for each category. It is this award of the learned Reference Court which was impugned in the set of appeals. This Court disposed of bunch of appeals vide common order passed in Jagbir Singh's case (supra) and enhanced the value of the acquired land from ₹ 134.29 per square yard to ₹ 150/- per square yard the value of the acquired land located on NH-10 Delhi-Hissar road upto a depth of three acres from the main road and for the land located on Nazafgarh-Bahadurgarh road upto a depth of three acres is enhanced from ₹ 92.97 to ₹ 100/- per square yard, whereas for the land situated behind that, the compensation is enhanced to ₹ 65/- per square yard.

Some of the landowners approached Hon'ble the Supreme Court challenging the order passed by this Court in Jagbir Singh's case (supra). In Rajender Singh's case (supra), Hon'ble the Supreme Court enhanced the compensation for the land acquired vide same notification.

Learned counsel for the applicants submitted that the since other landowners have been granted higher compensation by Hon'ble the Supreme Court, the order passed by this Court may be modified to the extent that the applicants may be awarded same amount of compensation.

On the other hand learned counsel for the State could not dispute the contention raised by learned counsel for the landowners with

regard to enhancement of compensation for the acquired land by Hon'ble the Supreme Court. However, he submitted that merely because in some other cases, Hon'ble the Supreme Court had awarded higher compensation, will not a ground to claim the same amount by filing the review application.

After hearing learned counsel for the parties and considering the aforesaid facts, in my opinion, the order passed by this Court on 10.2.2009 in the case of the applicants deserves to be modified to the extent that the applicants shall be entitled to compensation in terms of judgment of Hon'ble the Supreme Court in Rajender Singh's case (supra). However, the applicants shall not be entitled to interest for the period of delay in filing the review application.

Ordered accordingly.

The review application stands disposed of.

13.7.2018
vs

(Rajesh Bindal)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No