

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

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**CM-10452-CI-2018 in RA-RF-182-CI-2018 in RFA-4403-2014**

**Date of Decision: 19.12.2018**

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Azad Singh

... Applicant

VS.

State of Haryana & Anr.

... Respondents

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**CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

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Present: Mr. NS Bhardwaj, Advocate;  
Mr. Ved Parkash, Advocate for the applicants

Mr. Abhinash Jain, AAG Haryana

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**G.S. SANDHAWALIA, J. (Oral)**

The applications have been seeking review of the order dated 22.12.2015 which are barred by limitation of 979 to 1036 days. Vide the said order a sum of ₹ 33,00,000/- per acre for the land upto the depth of two acres and ₹ 24,75,000/- per acre for the land beyond that was assessed as the market value for the land which was acquired vide notification dated 23.08.2007. The matter was taken to the Apex Court in **CA No.2846 of 2017 Bijender & Ors. vs. State of Haryana & Anr.** whereby the landowners have been successful in getting the market value enhanced to ₹ 45,00,000/- per acre in place of ₹ 33,00,000/- and ₹ 35,00,000/- in place of ₹ 24,75,000/-.

Another set of landowners apparently filed Special Leave Petitions which was got dismissed as withdrawn with liberty to approach this Court to claim the same relief. It is in such circumstances that the present review applications have been filed. It is further submitted that similar review application i.e. **RA-RF-80-CI-2018 in RFA-4420-2014 Bachan Singh & Ors. vs. State of Haryana & Anr.** decided on 13.07.2018 were allowed with a condition that the applicant could not be entitled to interest for the delay in

filing the review applications. The relevant part of the order reads as under:-

*“Thereafter, some other landowners filed Special Leave Petition (Civil) No. 38817 of 2017 -Jaspal Singh etc. vs State of Haryana and another, challenging the order dated 22.12.2015 passed in Harijan Cooperative Society Limited's case (supra), which was got dismissed as withdrawn on 23.2.2018, to enable them to approach this Court to claim same relief, as prior to that vide earlier judgment in Bijender's case (supra), compensation had been increased by Hon'ble the Supreme Court.*

*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. The applicants can approach Hon'ble the Supreme Court as well by filing Special Leave Petition, however, Special Leave Petitions filed after decision in Bijender's case (supra), were withdrawn to enable the landowners to approach this Court to claim same amount of compensation. Hence, the applicants be also 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 22.12.2015 in the case of the applicants/landowners 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 Bijender's case (supra). Technicalities should not come in the way of doing substantial justice. For the purpose reference can be made to A. V. Subramanian vs Union of India and another 2017 (12) SCC 693. 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.”*

Counsel for the State could not dispute the said aspect.

Accordingly keeping in view the above and in order to maintain parity the present review applications are allowed in same terms as reproduced above. The landowners will also be entitled to the benefit of market value as assessed by the Apex Court along with all statutory benefits. They however, shall not be entitled to benefit of interest for the period of delay ranging from 979 to 1036 days in filing the review applications.

Disposed of accordingly.

**19.12.2018**

*vvishal*

**(G.S. Sandhawalia)**

**Judge**

1. Whether speaking/reasoned?
2. Whether reportable?

**Yes**  
**No**