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

**R.A. Nos. 27-29-CI of 2018 (O & M) in**
**RFA Nos. 7139, 7150 and 7138 of 2014 respectively**
**Date of decision: 15.03.2018**

Balbir Singh and others ....Petitioner(s)

Versus

State of Haryana and another ...Respondent(s)

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

Present: Mr. Ajay Singh Ghangas, Advocate,
for the applicant.

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

**C.M. Nos. 1994-95-96-CI of 2018**

Applications for condonation of delay of 720 days in filing the review applications have been filed whereby, the order dated 12.02.2016 is sought to be reviewed.

In the applications, it has been averred that the applicants had approached the Apex Court and liberty had been granted on 30.10.2017 to withdraw and approach this Court again and, therefore, the delay has occurred.

Keeping in view the averments made in the applications duly supported by affidavits, the applications for condoning the delay as such show sufficient cause, accordingly, the applications are allowed.

Delay condoned.

**R.A. Nos. 27-29-CI of 2018**

The present order shall dispose of three review applications i.e. R.A. Nos. 27-CI to 29-CI of 2018 in RFA Nos. 7139, 7150 and 7138 of

2014 respectively, as common judgment is sought to be reviewed and common questions of facts and law are involved. For reference, ***R.A. No. 27-CI of 2018, Balbir Singh and others vs. State of Haryana and another*** is taken up.

Review applications have been filed primarily on the ground that the market value of the land falling in village in question namely Munda Khera was enhanced to Rs.19,91,300/- per acre by the Reference Court qua the notification dated 19.11.2004 which was for development of the Expressway known as Kundli-Manesar-Palwal Expressway. It is the case of the counsel for the land owners-applicants that for the adjoining village namely Mubarikpur, at one point of time, this Court had granted Rs.62,11,700/- per acre and, therefore, the argument was raised before the Apex Court in the SLP preferred was regarding the disparity as such between the compensations of the adjoining villages whereby, the purpose of acquisition was the same. This fact would be clear from the interim order passed in SLP No. 18453-18470 of 2016. The relevant portion reads thus:-

> *"Permission to file Special Leave Petitions granted.*
>
> *Exemption from filing O.T. is granted.*
>
> *Delay condoned in filing Special Leave Petitions.*
>
> *Learned counsel for the petitioners points out that the Special Leave Petition (Civil) Nos. 28617-28636 of 2016 which have been dismissed by order of this Court dated 14th September, 2016 are in respect of village Dariyapur whereas the present case is in respect of village Mundakhera. It is further stated that compensation for lands acquired in the neighbouring village i.e. village Mubarikpur has been awarded at the rate of Rs.62,11,700/- per acre whereas in the case of*

*the petitioners compensation has been awarded at the rate of Rs.19,91,300/- per acre.*

*In view of the above, issue notice."*

It is a matter of record that vide order dated 31.10.2017, the SLP was withdrawn to approach this court.

However, subsequent developments have taken place namely as much that the judgment in RFA No. 1853 of 2012, Attar Singh vs. State of Haryana and others dated 05.05.2016 (Annexure A-3) wherein, the land falling in 15 villages whereby, compensation had been assessed at Rs.62,11,700/- per acre has been set aside in ***SLP No. 15476 of 2016, Surender Singh vs. State of Haryana and others*** decided on 25.01.2018 and the matters have been remanded to the Reference Court. Thus, the main plank as such of the land owners seeking review which was the ground agitated before the Apex Court also no longer survives since the compensation of adjoining village no longer stands at Rs.62,11,700/- and the Reference Court will now decide afresh as to whether the Land Acquisition Collector was justified in awarding only 12,50,000/- per acre in those set of cases wherein, the notification was dated 11.01.2005.

Faced with this situation, counsel for the land owners has raised an argument that the matter should also be remanded to the Reference Court in view of the judgment in *Surender's case (supra).*

This Court does not find any such ground to review the order passed on 12.02.2016. A perusal of the judgment in ***Rajit and another vs. State of Haryana and others*** which is sought to be reviewed would go on to show that the land owners had placed reliance upon only the State policy framed for the purposes for fixing the market value of the acquired land. It was on that basis the market value was fixed keeping in account the fact that the land owners would be entitled for monthly enhancement of Rs.50,217/- for a time gap of 29 months and accordingly, an amount of Rs.4,41,293/- was, thus, added to the amount awarded by the Collector. Similarly, 40% (Rs.3,00,000/-) was also granted on account of severance charges to assess the market value @ Rs.19,91,300/-. It is also settled principle that the onus to prove the market value is upon the land owners.

In such circumstances, there seems to be no apparent error on the face of the record or any illegality in the order of which review is sought. Therefore, keeping in view the cumulative factors, no ground as such is made out to review the order.

Resultantly, the review applications are dismissed.

15.03.2018 (G.S. SANDHAWALIA)
shivani JUDGE

Whether reasoned/speaking Yes/No

Whether reportable Yes/No