

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RF No.4-CI of 2018 (O&M) in
RFA No.10675 of 2014
Date of Decision: 10.08.2018

Surender Singh and others

..... Applicants

Versus

District Revenue Officer-cum-Land Acquisition Collector, Gurgaon and
others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vineet Chaudhary, Advocate
for the applicants.

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

RAJESH BINDAL J.

CM No.1155-CI-2018

This is an application for condonation of delay of 917 days in
filing the review application.

Notice in the application to the Advocate General, Haryana.

Mr. Ankur Mittal, Addl. A.G., Haryana, who is present in
Court, accept notice on behalf of the non-applicants.

For the reasons stated in the application which is duly
supported by an affidavit, the same is allowed and the delay of 917 days in
filing the review application is condoned subject to the condition that the
applicant shall not be entitled to the extent on the enhanced compensation
for the aforesaid period.

RA-RF No.4-CI of 2018

The prayer in the present review application filed by the landowners is for modification of the order dated 29.06.2015 passed by this Court disposing of the appeal filed by the applicants and awarding compensation to them in terms of the order passed by Hon'ble the Supreme Court in Civil appeal No. 3412 of 2015, '*Sachin and others vs. State of Haryana and others*' decided on 31.3.2015.

Briefly, the facts of the case are that State of Haryana vide notification dated 29.01.2003, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land situated in village Khandsa, Narsingpur, Mohammadpur Jharsa, Harsaru and Garauli Khurd, Tehsil and District Gurgaon for setting up of Industrial Complex to be planned and developed as Special Economic Zone ('SEZ') Phase-I. Notification under Section 6 of the Act was issued on 28.01.2004. The Land Acquisition Collector (for short, 'the Collector'), vide award dated 27.01.2006, assessed the market value of the acquired land @ ₹ 15,00,000/- per acre for the land pertaining to revenue estates of villages Khandsa and Narsingpur and @ ₹ 12,50,000/- per acre for the land pertaining to revenue estates of villages Harsaru, Mohammadpur Jharsa and Garauli Khurd. Aggrieved against the award of the Collector, the land owners filed objections, which were referred to the learned court below, who keeping in view the material placed on record by the parties, assessed the market value of the acquired land @ ₹ 40,95,000/- per acre for the land pertaining to revenue estates of villages Khandsa and Narsingpur. Vide another award, the learned Reference Court assessed the

market value of the acquired land @ ₹ 31,50,000/- per acre for the land pertaining to revenue estates of villages Garauli Khurd, Harsaru and Mohammadpur Jharsa. The aforesaid award was impugned by the landowners as well as the Corporation in the bunch of appeals. This Court vide judgment dated 23.09.2014, passed in RFA No. 2174 of 2012, '*Smt. Savitri Devi vs. The Land Acquisition Collector, Gurgaon and others*', enhanced the compensation for the acquired land and the present appeal was disposed of in terms thereof.

Learned counsel for the applicants/ landowners submitted that against the judgment of this Court, Special Leave Petition was filed before Hon'ble the Supreme Court, which was disposed of granting permission to withdraw the SLP with liberty to approach the High Court for grant of compensation in terms of judgment of Hon'ble the Supreme Court in *Sachin's case (supra)*. The submission is that since Hon'ble the Supreme Court had enhanced the compensation for the acquired land, the applicants/landowners may also be granted the same amount of compensation.

Learned counsel for the State could not dispute the contention raised by learned counsel for the applicants/ landowners.

After hearing learned counsel for the parties and considering the liberty granted by Hon'ble the Supreme Court, in my opinion, the order passed by this Court in the case of the applicants/landowners on 29.06.2015 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 *Sachin's case (supra)*.

Ordered accordingly.

The review application stands disposed of.

10.08.2018
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(RAJESH BINDAL)
JUDGE

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