

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RF No. 62-CI of 2018 (O&M)
in R.F.A No. 2555 of 2014

Date of decision : 13.7.2018

Mahabir Singh and another Applicants

vs

State of Haryana and another Respondents

Coarm: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Suresh Ahlawat, Advocate, 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 22.12.2015 passed by this Court while disposing of bunch of appeals vide common order passed in RFA No. 1515 of 2014 - *Harijan Co-operative Society Limited vs State of Haryana and another* and awarding compensation to them in terms of order passed by Hon'ble the Supreme Court in Civil Appeal No. 2846 of 2017 - *Bijender and others vs State of Haryana and another*, on 27.10.2017, arising out of same acquisition. Along with the Review Application, the applicants have also filed application seeking condonation of delay of 806 days in filing thereof.

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 806 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

Briefly, the facts of the case are that vide notification dated 23.8.2007, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana, sought to acquire land in villages Singhpura, Safidon, Rampura, Rattan Khera and Khera Khemawati, District Jind for development and utilisation thereof as commercial and residential Sectors 7, 8 and 9, Safidon. The same was followed by notification dated 21.8.2008, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award Nos. 3, 4 and 5 dated 19.8.2010, assessed the market value of the acquired land @ ₹ 33,00,000/- per acre upto the depth of two acres on Safidon-Jind road, Safidon Bypass road and Gair Mumkin kind of land and @ ₹ 18,00,000/- per acre for Nehri and Chahi land. Dissatisfied with the award of the Collector, the landowners filed objections, which were referred to the learned reference court. The learned court below dismissed the reference petitions vide award dated

17.12.2013, which was impugned by the landowners before this court. This Court disposed of bunch of appeals vide common order passed in *Harijan Co-operative Society Limited's* case (supra) and upheld the award of the Collector assessing compensation @ ₹ 33,00,000/- per acre for the land upto the depth of two acres on Safidon-Jind Road, Safidon Bye-pass road and Gair Mumkin kind of land and assessed the market value of the acquired land @ ₹ 24,75,000/- per acre for the land beyond that.

Thereafter, the applicants filed Review Application No. 156-CI of 2016 in this Court seeking review of the order, however, the same was dismissed on 24.9.2016.

Some of the landowners approached Hon'ble the Supreme Court challenging the order dated 22.12.2015 passed by this Court in *Harijan Co-operative Society Limited's* case (supra). In *Bijender's* case (supra), Hon'ble the Supreme Court enhanced the compensation for the land acquired vide same notification.

After that the applicants 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 Co-operative Society Limited's* case (supra), which was got dismissed as withdrawn on 23.2.2018, to enable the applicants 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 landowners submitted that the applicants had earlier filed review application, which was dismissed by this Court on 24.9.2016. Thereafter, they filed Special Leave Petition, which

was got dismissed as withdrawn to enable them to approach this Court for the same relief as granted to the landowners by Hon'ble the Supreme Court in Bijender's case (supra). He further submitted that delay occurred in filing the review application cannot be said to be intentional, as they were before Hon'ble the Supreme Court. The submission is that the applicants be granted same amount of compensation as has been granted to the landowners by Hon'ble the Supreme Court in Bijender's case (supra).

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 no liberty was granted by Hon'ble the Supreme Court while permitting the applicants to withdraw Special Leave Petition. He further submitted that second review application is not maintainable as the earlier one was dismissed.

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 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 Bijender's case (supra). Special Leave Petition challenging the order passed in favour of the applicants was got dismissed as withdrawn on 23.2.2018. Withdrawal of SLP will not debar the applicants from claiming same amount of compensation as has been granted by Hon'ble the Supreme Court to other landowners from same acquisition. Technicalities should not come in the way of doing substantive 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. 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