

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

**RA-RF-121-CI-2018 (O&M) in
RFA No.1348 of 2015**

Sunder Lal and others
... Review applicant/Appellants
Versus
State of Haryana and others
... Respondents

(2)

**RA-RF-120-CI-2018 (O&M) in
RFA No.1352 of 2015**

Satbir Singh
... Review applicant/Appellant
Versus
State of Haryana and others
... Respondents

(3)

**RA-RF-122-CI-2018 (O&M) in
RFA No.1355 of 2015**

Dev Raj
... Review applicant/Appellant
Versus
State of Haryana and others
... Respondents

(4)

**RA-RF-125-CI-2018 (O&M) in
RFA No.2514 of 2015**

Amir Chand
... Review applicant/Appellant
Versus
State of Haryana and others
... Respondents

(5)

**RA-RF-157-CI-2018 (O&M) in
RFA No.1361 of 2015**

Kharati Lal
... Review applicant/Appellant
Versus
State of Haryana and others
... Respondents

(6)

**RA-RF-168-CI-2018 (O&M) in
RFA No.6426 of 2015**

Hako Devi and others

... Review applicant/Appellants

Versus

State of Haryana and others

... Respondents

(7)

**RA-RF-177-CI-2018 (O&M) in
RFA No.2517 of 2015**

Brij Lal and another

... Review applicant/Appellant

Versus

State of Haryana and others

... Respondents

Decided on : 14.11.2018

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

Present : Mr. Akshay Jindal, Advocate
for the review applicant/appellant (s)
in RA-RF Nos.120 to 122, 157-CI of 2018.

Mr. Animesh Sharma, Advocate for the
review applicant/appellant (s) in RA-RF Nos.125 & 168-CI
of 2018.

Mr. Lajpat Sharma, Advocate for the
review applicant/appellants in RA-RF-177-CI-2018.
Ms. Vibha Tewari, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
for the respondent-HSIIDC.

G.S. Sandhawalia, J. (Oral)

Delay applications

Applications for condonation of delay ranging between 777
to 914 days in filing the review applications have been filed.

In view of the averments made in the applications, duly supported by affidavit, which have not been controverted as such by the respondents, the same are allowed. The delay ranging between 777 to 914 days in filing the review applications is condoned.

CMs stand disposed of.

Review applications

Vide the main judgment dated 03.03.2016 rendered in **RFA No.2963 of 2015 'HSI IDC and another Vs. Mangal Singh and others'**, the market value was assessed @ ₹1013/- per square yard (₹49,02,920/- per acre). The matter was taken to the Apex Court by the landowners, in which a contention raised that a reverse cut should have been applied was left open and the petitioners were given opportunity to approach this Court by way of review, vide order dated 12/24.04.2017 (Annexure A-1). The relevant portion of the said order reads as under:-

“The only point involved in these cases is whether the High Court was correct in granting 12% increase on compensation awarded in Tara Chand's case in determining the quantum of compensation at Rs.1,013/- per square yard or the High Court should have applied a reverse cut in the compensation awarded in Kashmir Singh's case in which event, according to the petitioner, the compensation would have been at Rs.1,062/- per square yard. We decline to go into the said question. The same is, therefore, left to be determined by the High Court in the event the petitioners move the High Court by way of review, etc., if so advised.

The special leave petitions are disposed of in the above terms.”

It is not disputed that a Coordinate Bench in similarly situated matters in **RA-RF-122-CI-2017 in RFA No.978 of 2015 'Siri Chand Vs. State of Haryana and others'** decided on 26.09.2017 (Annexure A-5) allowed a bunch of 32 review applications by applying the reverse cut of 7% and refixed the market value @ ₹1,051/- per square yard. The relevant portion of the said judgment reads as under:-

*“Consequently, the review applicants-land owners, whose cases were decided in terms of the order dated 3.3.2016 passed in **Mangal Singh's** case (supra), would be entitled for enhanced amount of compensation @Rs.1051/- per square yard instead of Rs.1013/- per square yard. Other directions passed in **Mangal Singh's** case (supra) would remain intact.*

Resultantly, with the above-said observations made and directions issued, these review applications stand disposed of, in the abovesaid terms, however, with no order as to costs. Pending applications for exemption as well as placing on record the documents are also disposed of.”

Similarly, in other connected review applications i.e. in **RA-RF-133-CI-2018 in RFA No.4670 of 2016 'Parmali (Deceased) through legal heirs Vs. State of Haryana and others'** decided on 20.07.2018 and **RA-RF-124-CI-2018 in RFA-2208-2016 'Om Parkash and others Vs. State of Haryana and others'** decided on 24.08.2018, also reviewed the orders and re-assessed the market value @ ₹1,051/- per square yard.

Counsel for the respondents could not dispute the said factual aspect.

Accordingly, keeping in view the above and to maintain

parity, the review applications are also allowed in the same terms. The market value is fixed @ ₹1,051/- per square yard.

The review applications stand disposed of, accordingly.

NOVEMBER 14, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No