

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RF No. 72-CI of 2018 (O&M)
in R.F.A No. 9063 of 2014

Date of decision : 13.7.2018

Ramesh Applicant

VS

State of Haryana and another Respondent

Coarm: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Vijay Saini, Advocate for
Mr. Jai Bhagwan Sharma, Advocate, for the applicant.

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 him 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 applicant has 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 applicant 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.

Some of the landowners approached Hon'ble the Supreme Court. In Bijender's case (supra), Hon'ble the Supreme Court enhanced the compensation for the land acquired vide same notification.

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 Co-operative 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 applicant 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 applicant may be awarded same amount of compensation. The applicant 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 applicant 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 applicant 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 applicant deserves to be modified to the extent that the applicant 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 applicant 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