

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

**CM-10132-33-CI-2018 in/and
RA-RF-RF-180-CI-2018 in
RFA No.5017 of 2014
Decided on : 06.12.2018**

Pardeep Goyal ... Appellant

Versus

State of Haryana & others ... Respondents

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

Present: Mr. K.P.Singh, Advocate, for the applicant/review-appellant.

Mr.Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

CM-10132-CI-2018

Application for condonation of delay of 904 days in filing the present review petition is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 904 days in filing the present review petition is hereby condoned.

CM stands disposed of.

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Dismissed, as not pressed.

RA-RF-RF-180-CI-2018 in RFA No.5017 of 2014

The present review petition has been filed for review of the order dated 24.02.2016, whereby the main appeal was disposed of in terms of separate order passed in RFA-3860-2014 titled *Ajmer Singh & others Vs. State of Haryana & others*.

Counsel has sought to reopen the matter on the ground that the value of the land of the applicant/appellant was more than what had been awarded. Reliance has also been placed upon the order of the Apex Court dated 02.09.2016 passed in SLP (C) No(s). 24763 of 2016 titled *Pradeep Goyal, Vs. State of Haryana & others* (Annexure A-3) whereby the same was withdrawn, with liberty to file a review petition. The said order reads as under:

“The learned counsel for the petitioner seeks permission to withdraw this petition with liberty to file a Review Petition.

Permission is granted.

The special leave petition is dismissed as withdrawn.”

Reliance is, accordingly, placed upon the site-plan, now attached, showing the location of the land, to submit that higher amount of compensation was payable.

It is pertinent to notice that the main appeal was disposed of along with 322 cases, by a Co-ordinate Bench of this Court and a sum of Rs.3610/- per sq.meter as the market value was fixed, enhancing it from Rs.1560/- per sq.meter, awarded by the Reference Court. The matter was further taken by other landowners to the Apex Court in **Manoj Kumar & others Vs. State of Haryana & others 2017 (12) Scale 731** and the appeals filed by the State of Haryana were also decided and the judgment passed by this Court had, thereafter, been modified by reducing the amount to Rs.95 lakhs per acre from Rs.1,46,09,000/- per acre.

State Counsel has submitted that as per the website of the Apex Court, the present applicant/appellant was also respondent in a case

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which was diarized at Sr.No.34115 of 2017 titled *State of Haryana Vs. Dharambir & others*, in which, he was arrayed as respondent No.34, which fact, as such, could not be disputed by the counsel for the review-applicant also.

Thus, it would not be appropriate for this Court to reopen the issue once the matter had been decided and the market value had been fixed at the instance of the State for the notification dated 30.05.2005. When, on an earlier occasion, this matter was decided, counsel for the applicant/landowners was present and if there was any distinguishable factor, that the land which is owned by the applicants, it should have been necessarily pointed out that the land owned by them has a higher potential, as per the evidence on the record.

The order passed by the Co-ordinate Bench does not show any such specific argument recorded on behalf of the applicants and therefore, this Court is of the opinion that no case for review of the order dated 24.02.2016 is made out. Accordingly, in view of the above discussion, the present review application is hereby dismissed.

December 6th, 2018
sailesh

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No