

105-4

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-RF No.161-CI of 2018 (O&M) in
RFA No.4405 of 2014
Date of Decision: 14.09.2018

Roshan Lal and another

..... Applicants

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vikram Singh, Advocate
for the applicants.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Manoj Dhankhar, AAG, 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 Cooperative 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 950 days in filing thereof.

Delay Application

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 950 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 23.08.2007, 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 utilitisation thereof as commercial and residential Sectors 7, 8 and 9, Safidon. The same was followed by notification dated 21.08.2008, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award Nos. 3, 4 and 5 dated 19.08.2010, 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 Cooperative Society Limited's* case (supra), which was got dismissed as withdrawn on 23.02.2018, 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 applicants 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 applicants may be awarded same amount of compensation. The applicants 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 applicants 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 landowners 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 applicants/landowners 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 *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 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.

(RAJESH BINDAL)
JUDGE

14.09.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No