

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

**CM-4328 & 4334-CI-2019 &
RA-RF-50-2019 in
RFA No.5401 of 2015**

Om Lata

... Review applicant/appellant

Versus

State of Haryana and others

... Respondent

(2)

**CM-4333 & 4335-CI-2019 &
RA-RF-49-2019 in
RFA No.4214 of 2016**

HSIDC now HSIIDC

... non-applicant/appellant

Versus

Om Lata and others

... review applicant/Respondent

Decided on : 15.05.2019

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

Present : Mr. V.B. Aggarwal, Advocate
for the review applicant/appellant in RFA No.5401 of 2015
and for review applicant/respondent No.1
in RFA No.4214 of 2016.

G.S. Sandhawalia, J. (Oral)

**CM-4334-CI-2019 in RFA No.5401 of 2015 &
CM-4333-CI-2019 in RFA No.4214 of 2016**

The present applications have been filed for correction of the clerical/typographical mistake in Para No.9 and 21 (ii) in the judgment dated 03.04.2019.

Notice of the applications.

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connected case**

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Mr. Pritam Singh Saini, Advocate accepts notice on behalf of the respondent-HSIIDC.

In the paragraph No.9, it has been noticed that total sum of Rs.67,35,514/- was paid to the appellant. The total amount as such was paid to the landowners, whose land was acquired and, therefore, the correction is required only to this extent that the last word of paragraph No.9 'appellant' read as 'landowners'.

Regarding the correction in paragraph No.21 (ii) the unacquired portion remains 2 kanals 14 marlas and not 2 kanals 2 marlas, which would be clear from the contentions noted in paragraph No.19 of the judgment, wherein also it has been mentioned that 2 kanals 14 marlas of land which had become useless having been truncated and not viable for development.

Accordingly, office shall make necessary corrections in paragraph No.9 and 21 (ii) of the judgment dated 03.04.2019.

CMs stand disposed of, accordingly.

**CM-4328-CI-2019 & RA-RF-50-2019 in RFA No.5401 of 2015 &
CM-4335-CI-2019 & RA-RF-49-2019 in RFA No.4214 of 2016**

Regarding applications for clarification of the order dated 03.04.2019, statutory benefits having been denied on severance charge and value of structures, in view of the judgment of the Apex Court in '**State of Punjab Vs. Amarjit Singh**', 2011 (4) SCC 734, to which counsel could not site better president, in support of his case.

Similarly, review applications as such that the land in

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question was commercial/industrial and, therefore, the value should have been assessed, accordingly, on account of the adjoining factories as such are also without any basis. Nothing had been brought on record to show that the appellants had been granted Change of Land Use and the land was being used for any commercial/industrial purpose. Merely, because the four walling of the land acquired had been done and one room had been constructed would not make the land of commercial nature.

Resultantly, no ground has been made out to interfere or review the order dated 03.04.2019. Accordingly, the applications for clarification alongwith review applications stand dismissed.

MAY 15, 2019
Naveen/sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No