

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-10661-CI-2019 in/and
RA-RF-119-2019 in
RFA No.2413 of 2005
Decided on : 05.12.2019

Pehlad Singh

... Review applicant/Appellant

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Narender Singh, Advocate
for the review applicant/appellant.

G.S. Sandhawalia, J. (Oral)

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Application for review of order dated 31.08.2015
(Annexure A-1) alongwith an application for condoning the delay of 1517
days in filing the same has been filed.

Notice.

Ms. Vibha Tewari, AAG, Haryana accepts notice on behlaf of
respondents/State.

Counsel for the applicant-landowner has submitted that in
similar circumstances in the case of his brother Dalip Singh and other co-
sharers in **RFA No.2737 of 2005 'Dalip Singh and others Vs. State of
Haryana and others'**, the market value has been fixed @ ₹12 lakhs per
acre alongwith all statutory benefits, vide detailed order dated 03.05.2019
passed in **RFA No.2738 of 2005 'Shanti and others Vs. State of Haryana
and others'** after allowing the application in terms of in view of the

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decision of the Apex Court in **Civil Appeal No. 19354 of 2017** titled as **Rajender Singh and others v. State of Haryana and others**, decided on 17.11.2017, wherein the notification in question was dated 12.05.1995. In the present appeal the notification in question is dated 26.05.1995.

Accordingly, keeping in view the above, the application for condoning the delay of 1517 days in filing the review application is allowed, subject to condition that the landowner will not be entitled for the benefit of interest on the enhanced compensation, in view of the law laid down by the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LRs. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236. The delay of 1517 days in filing the review application is condoned, conditionally.

Review application also stands allowed. The main case is taken on board today itself.

Main appeal

Present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') is directed against the order dated 31.01.2015 passed by the Reference Court, Jhajjar.

The relevant part of the order dated 03.05.2019 passed in favour of other co-sharers in the case of **Shanti (supra)** reads as under:-

“Counsel for the applicant/land owners has however submitted that they could not be faulted for bringing the correct facts to the notice of this Court, whereas, some land

owners did not file the review applications and had taken the matter to the Apex Court being dis-satisfied by the amount awarded in **Devinder Singhs' case** (supra). The compensation amount @ Rs. 8 lakhs per acre has been awarded for Delhi-Hisar Road upto the depth of 3 acres and balance Rs.5.50 lakhs per acre for the land located on Nazafgarh-Bahadurgarh road upto a depth of 3 acres.

It is accordingly submitted that once similarly situated land owners have got uniform compensation @ Rs.12 lakhs per acre and their appeals were decided and the Apex Court has decided the matter qua both the notifications on 17.11.2017 in **Rajender Singhs' case** (supra), they are liable to be granted the same amount of compensation.

It has further been brought to the notice of this Court that the said decision thereafter was followed in SLP (Civil Appeal) No. 20804 of 2017 titled as **Attar Singh etc. etc. v. The State of Haryana and others**, decided on 23.4.2018, which was pertaining to the cases of the present notification i.e. 26.5.2019, which was also allowed in the same terms on 23.4.2018 as per **Rajender Singh's case** (supra).

Mr. Shivendra Swaroop, AAG, Haryana, could not deny the factual aspect that no review applications were filed against the order dated 17.11.2017 and a majority of the land owners pertaining to the present notification which pertains to acquisition of land for Sector 2, have been granted the benefit of the Apex Court order and have even been paid the compensation @ Rs.12 lakhs.

A perusal of **Rajender Singh's case** (supra) would also go on to show that apart from the notification dated 12.5.1995 Supreme Court has also dealt with other notification dated 17.4.2002 pertaining to Bahadurgarh. Resultantly, once the market value for the notification dated 26.5.1995 in the majority of the cases of land owners has also been assessed

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@ Rs.12 lakhs uniformly, the Court is of the opinion that the applications are liable to be allowed on the ground that similarly situated land owners are entitled for the same amount of compensation.

Ordered accordingly.

Main Cases :

Accordingly, main case are taken up on board today itself and are disposed of in the same terms by granting Rs.12 lakhs per acre uniformly along with all statutory benefits.”

Accordingly, the present appeal is also disposed off in the above said terms. However, the landowner will not be entitled for the benefit of interest on the enhanced compensation for the delay period of 1517 days in filing the review application.

DECEMBER 05, 2019

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No