

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

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**CM-7117-CI-2018 in/and
RA-RF-141-CI-2018 in/and
RFA-3896-2010
Date of decision: 10.04.2019**

Usha Devi

....Appellant

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Govind Rana, Advocate, for the applicant/review-appellant.

Ms.Vibha Tewari, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

CM-7117-CI-2018

Application for condonation of delay of 2518 days in filing the review application has been moved. No reply has been filed, though appearance has been put on 06.08.2018.

Review of the order dated 02.08.2011 has been sought whereby the appeal was disposed of in terms of the judgment rendered in RFA-2373-2010 titled *Madan Pal Vs. State of Haryana & another*, on 11.02.2011.

Keeping in view the checkered history and the matter having gone to the Apex Court and remanded twice and the judgment has now come, fixing the market value finally in **Wazir & another Vs. State of Haryana 2019 (1) Scale 364**. The same has also been further corrected on 08.02.2019, this Court is of the opinion that the delay of 2518 days in filing the present review application is liable to be condoned, especially keeping in view the fact that the reply has also not been filed.

CM stands disposed of.

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Present application is allowed, in view of the fact that the matter has now attained finality. Order dated 02.08.2011 is recalled and the main appeal is restored to its original number. Case is taken on Board.

RFA-3896-2010

Present appeal, filed under Section 54 of the Land Acquisition Act, 1894, arises out of the award of the Reference Court, Gurugram dated 26.11.2009. The reference petition, as such, was dismissed on account of the appellants failing to avail the 5 opportunities and not leading any evidence for the market value of the land which was acquired vide notification dated 07.03.2002, falling in Village Bas Haria. On the second remand from the Apex Court on 21.02.2017, in **Satish Kumar Gupta Vs. State of Haryana (2017) 4 SCC 760**, this Court had decided **RFA-2373-2010** titled *Madan Pal-III Vs. State of Haryana & another*, on 09.03.2018, fixing the market value for Village Bas Haria @ Rs.41.40 lakhs per acre. In **Wazir** (supra), the amount was quantified @ Rs.28.77 per acre, by allowing the appeals of the HSIIDC, vide order dated 11.01.2019. Vide correction order dated 08.02.2019, the said amount has now been quantified @ Rs.29,77,333/- per acre, with all statutory benefits. Relevant portion of the corrected judgment reads as under:

“30. In the circumstances, we direct:

- a) In respect of lands under acquisition from villages Naharpur Kasan and Kasan, the market value shall be Rs.39,54,666/- per acre. Additionally, all statutory benefits would be payable.
- b) In respect of lands under acquisition from Villages Bas Kusla, Bas Haria and Dhana, the market value shall be Rs.29,77,333/- per acre. Additionally, all statutory benefits would be payable.

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c) In respect of lands from village Manesar the market value shall be Rs.59,31,999/- per acre. Additionally, all statutory benefits would be payable.

d) M/s. Kohli Holdings Private Limited shall not be entitled to any severance charges.

e) If any sum in excess of what has been found in this Judgment to be the entitlement of any landowner from any of the villages under acquisition was made over to him, the same shall be returned by the landowner to the State by 30th June, 2019. If the excess sum is returned by 30th June, 2019, no interest on said sum shall be payable by the landowner. However, if the sum is not returned by said date, the said sum shall carry interest @ 9% per annum from 1st July, 2019 till realisation and can be realised in a manner known to law.”

10. The modifications set out in para 9 hereinabove shall be effected in the Judgment and a corrected copy shall again be uploaded by the Registry. Any certified copy of the Judgment issued hereafter must reflect the modifications as set out in para 9 of this order.

11. With the above observations all the Miscellaneous Applications stand disposed of.”

Resultantly, keeping in view the fact that the landowners are entitled for the same amount of compensation, to maintain parity, the present appeal is allowed, in the same terms and the landowners shall be entitled for the same amount.

10.04.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*