

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

**RA-RF-49-CI-2018 (O&M) in
RFA No.10664 of 2014**

Inder Singh

... Review applicant/appellant

Versus

State of Haryana and another

... Respondents

(2)

**RA-RF-50-CI-2018 (O&M) in
RFA No.10429 of 2014**

Mahinder Singh and others

... Review applicant/appellants

Versus

State of Haryana and another

... Respondents

(3)

**RA-RF-51-CI-2018 (O&M) in
RFA No.10428 of 2014**

Shiv Kumar and another

... Review applicant/appellants

Versus

State of Haryana and another

... Respondents

Decided on : 21.02.2019

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

Present : Mr. Vijay Saini, Advocate for
Mr. Jai Bhagwan Sharma, Advocate
for the review applicant/appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Exemption applications

Applications are allowed, as prayed for.

CMs stand disposed of.

CM-2609-CI-2018 in RA-RF-50-CI-2018 in RFA No.10429 of 2014

The present application has been filed for impleading the legal representatives of the deceased Balbir Singh-appellant No.3, who had expired on 22.04.2016. The names of legal representatives have been mentioned in paragraph No.2 of the application. The application is supported by the affidavit of Gurmeet Singh son of deceased Balbir Singh.

In view of the averments made in the application, duly supported by affidavit, the same is allowed, subject to just exceptions. L.Rs. as mentioned in paragraph No.2 of the application are permitted to pursue the present litigation only. It is made clear that the present order will not be liable to be taken into consideration in any other set of proceedings.

CM stands disposed of.

Review applications (O&M)

The applications have been filed seeking review of the order dated 02.02.2016 which are barred by limitation by 756 days. Vide the said order a sum of ₹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 was upheld. Landowners beyond two acres were given the

benefit of enhancement from ₹18 lakhs per acre to ₹24,75,000/- per acre which was acquired vide notification dated 23.08.2007. The matter was taken to the Apex Court in **CA No.2846 of 2017 Bijender & Ors. vs. State of Haryana & Anr.** whereby the landowners have been successful in getting the market value enhanced to ₹45,00,000/- per acre in place of ₹33,00,000/- and ₹35,00,000/- in place of ₹24,75,000/-.

Another set of landowners apparently filed Special Leave Petitions which was got dismissed as withdrawn with liberty to approach this Court to claim the same relief. It is in such circumstances that the present review applications have been filed. It is further submitted that similar review application i.e. **RA-RF-80-CI-2018 in RFA-4420-2014 Bachan Singh & Ors. vs. State of Haryana & Anr.** decided on 13.07.2018 were allowed with a condition that the applicant could not be entitled to interest for the delay in filing the review applications. The relevant part of the order reads as under:-

“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 23.2.2018, 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."

Counsel for the State could not dispute the said aspect.

Accordingly keeping in view the above and in order to

maintain parity the present review applications are allowed in same terms as reproduced above. The landowners will also be entitled to the benefit of market value as assessed by the Apex Court along with all statutory benefits. They however, shall not be entitled to benefit of interest for the period of delay of 756 days in filing the review applications.

Disposed of accordingly.

FEBRUARY 21, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No