

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

**RA-CW No. 114 of 2018 in
CWP No. 20093 of 2015**

Date of decision : 29.11.2019

Nasibu Deen

.....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present : Mr. Hardeep Singh Dhillon, Advocate for
Mr. Vikram Singh, Advocate for the applicant-petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana.

* * *

DAYA CHAUDHARY, J.

Applicant-petitioner filed CWP No.20093 of 2015 for quashing of notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short - "the Act") as well as the award passed by the Land Acquisition Collector, which was dismissed by this Court vide judgment/order dated 09.11.2017 by holding that the petitioner did not have any *locus standi* to challenge the acquisition proceedings as the same were completed after announcement of the award by the Collector and the petitioner had received compensation and the petition was filed after a period of more than 6 years of passing of the award.

Now the present review application has been filed on the ground that pick and choose policy has been adopted by the respondent-authorities while releasing land of some of the persons, whose land was acquired but claim of the applicant has not been considered. Applicant had

constructed a shop upon the acquired land before issuance of Notification under Section 4 of the Act and he is also entitled for equal treatment. Applicant also filed objections under Section 5A of the Act but those objections were neither considered nor decided.

Learned counsel for the applicant also submits that no decision was communicated to the applicant-petitioner in spite of making request on various occasions. He also submits that the applicant-petitioner never received any compensation. At the end, learned counsel for the applicant submits that liberty was given by Hon'ble the Apex Court in SLP No.6293 of 2018 filed by him to approach this Court by seeking remedy of review.

Learned State counsel has opposed the submissions made by learned counsel for the applicant-petitioner on the ground that the writ petition was filed after a delay of six years and the petitioner had already received the amount of compensation. It has wrongly been mentioned by the applicant-petitioner that objections filed under Section 5A of the Act were not considered, whereas the objections were rejected.

Heard arguments of learned counsel appearing for the parties. We have also perused judgment/order passed by this Court on 09.11.2017 as well as the order passed by Hon'ble the Apex Court.

Admittedly, the respondent-authorities issued notifications under Sections 4 and 6 of the Act. While issuing said notifications on 11.07.2006 and 16.07.2007 respectively and the award was announced by the Land Acquisition Collector on 23.06.2009. Writ petition was filed by the petitioner in the year 2015 i.e after a delay of more than 6 years and the same was dismissed on 09.11.2017 on the ground that acquisition proceedings had been completed after announcement of award passed by the Collector and the

petitioner had also received compensation. The petition was dismissed on the ground of delay as it was filed after a period of six years after passing of the award by the Collector. Judgment/order dated 09.11.2017 passed by this Court was challenged before Hon'ble the Apex Court and SLP filed by the applicant-petitioner was dismissed as withdrawn with liberty to file review application before this Court. It appears that wrong facts were mentioned regarding filing of objections under Section 5A of the Act, whereas no objections were filed under Section 5A of the Act even after passing of the award. Neither any such document/objections have been brought to the notice of this Court nor annexed with the review application. Moreover, writ petition was dismissed not only on this sole ground of non-filing of objections under Section 5A of the Act but on the ground of delay as well.

Review is not rehearing of the original case. Power of review should not be confused with appellate power which enables a superior court to correct errors if any committed by a subordinate court. The scope of power of review is very limited as it is to be confined strictly only to the errors which are apparent on the face of record. In case the arguments raised in the review application have been dealt with in the judgment passed, the party is at liberty to challenge the impugned judgment. It is not a case of discovery of new and important facts which were not raised at the time of arguing the case before this Court or certain facts which were not in the knowledge of the applicant at the time of hearing of the case before this Court. The power of review can be exercised in case the Court is satisfied that there is an error apparent on the face of the order, which has resulted into miscarriage of justice or some error is there which is said to be material in nature.

Accordingly, keeping in view the facts as mentioned above, no

RA-CW No. 114 of 2018 in
CWP No. 20093 of 2015

4

ground is made out to review judgment dated 09.11.2017 and the present review application is dismissed.

(DAYA CHAUDHARY)
JUDGE

Dated : 29.11.2019
gurpreet

(GURVINDER SINGH GILL)
JUDGE