

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

**RA-CW No. 08 of 2021 (O&M) in
CWP No. 13247 of 2020
Date of Decision: 05.04.2021**

Satish Kumar and others

.....Petitioners

Versus

The State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Vikram Punia, Advocate
for the **review applicants**-petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

*[The aforesaid presence is being recorded through video conferencing since
the proceedings are being conducted in virtual court]*

JASWANT SINGH, J.

CM No. 4610-CWP of 2021

Present application under Section 151 CPC moved by the counsel for applicants-petitioners is for placing on record the counter affidavit dated 16.03.2021 of *Santra Devi* (petitioner No. 2) to the short reply dated 25.02.2021 filed by respondent No. 3 (The Haryana State Industrial and Infrastructure Development Corporation Ltd., Panchkula).

Application is **allowed**. The aforesaid counter affidavit dated 16.03.2021 of *Santra Devi* (petitioner No. 2) to the short reply dated 25.02.2021 filed by respondent No. 3 -HSIIDC is taken on record.

Registry to place the same at appropriate place in the paper-book and paginate accordingly.

RA-CW No. 08 of 2021

Prayer in the present review application filed under Order 47 Rule 1 read with Section 151 of CPC moved by **applicants-petitioners** is for reviewing the order dated 01.09.2020 (**Annexure PR-1**) passed by this Court, whereby the writ petition was dismissed with costs of ₹ 10,000/- in view of the belated claim raised by writ petitioners, as notification to acquire land under Section 4 of Land Acquisition Act, 1894 was issued on 30.06.2005; notification under Section 6 of Land Acquisition Act, 1894 was issued on 05.07.2006; and Award was passed on 27.06.2008.

Instant review application has been filed by the applicants / petitioners on the grounds that the averments of land in question being not included in the Award dated 27.06.2008, while concluding the acquisition proceedings, was neither rebutted by the State nor considered by this Court at the time of dismissal. Consequently, vide order dated 08.01.2021, we directed the State Counsel to file a specific affidavit of the concerned beneficiary department viz. Haryana State Industrial and Infrastructure Development Corporation Ltd. (in short “HSI IDC”) to counter the factual position.

In pursuance to our order dated 08.01.2021, an affidavit dated 25.02.2021 of Sh. Ravish Jani, District Town Planner, HSI IDC was filed in Court and the same was taken on record vide order dated 26.02.2021. To counter the said affidavit dated 25.02.2021, a counter affidavit dated 16.03.2021 has been filed by petitioner no 2-Santra Devi.

We have heard counsel for the parties at length and have perused the paper-book.

As has been noticed by us in our order dated 08.01.2021, the sole issue is as to whether the land owned by petitioners falling in Killa No. 14//3 measuring 5K-10 Marlas was ever included in the Award dated 27.06.2008 or not. As per the petitioners, the land owned by them is not included and a reference is made to Award dated 27.06.2008 (**Annexure P-3 at page 70 of the paper book**).

To the contrary, counsel for HSIIDC, while adverting to the “**true photocopy**” of same award dated 27.06.2008 (**Annexure R-1**) has pointed out that the petitioners have deliberately left the first two lines of the Award (at page 119 of the paper-book) which describes the land for which compensation has been disbursed and this includes the land of petitioners as well. Relevant paragraph Nos. 4 and 5 of the affidavit is reproduced as under:-

- “ 4. *That it is respectfully submitted that the entire emphasis of the petitioners in the writ petition and the present review petition is on the fact that the land of the petitioners comprising in Killa No. 14//3 measuring 5K-10M situated in the village Rasoi, Tehsil and District Sonapat was not included in the award dated 27.06.2008 and in order to prove the same fact, they have annexed the copy of the award with the petition as Annexure P-3 as “True Photo Copy” and has deliberately tampered with the award statement by removing the first three lines at page No. 70 of the writ petition, which contains the aforesaid khasra no. from the award, which otherwise are included in the original award dated 27.06.2008 which is annexed herewith as Annexure R-1 for the kind consideration of this Hon'ble Court.*
5. *That it is respectfully submitted that the deliberate removal of first three lines cannot be even named as inadvertent error because except these three lines no other line has been*

removed or tampered in the copy of the award annexed with the petition. This has been done with the sole intention to seek favourable order from this Hon'ble Court by demonstrating that the land was never included in the award statement and hence was never acquired. It is further submitted that this has been so projected not only before this Hon'ble Court but also before the Hon'ble Supreme Court which is evident from the perusal of the order passed in SLP. It is submitted that such an attempt on the part of the petitioners is not only abuse of process of law but in fact an attempt to play fraud on this Hon'ble Court by deliberately annexing with the petition a forged and tampered document and thus, is a perfect case for being dismissed with exemplary cost. ”

To counter the said assertion, learned counsel for the applicants-petitioners has placed reliance on paragraph Nos. 2, 3, 4 and 5 of affidavit dated 16.03.2021 filed by Santra Devi (petitioner No. 2), whereby she has stated that even in the award (**Annexure R-1**) placed on record by respondents No. 3-HSIIDC and a vernacular of the same, the land of petitioners is not depicted clearly. Relevant paragraph Nos. 2 to 5 of the affidavit are reproduced as under:-

- “ 2. *That no doubt the deponent petitioner has laid emphasis on the fact that the subject land depicted as Killa No. 14//3 (5-10) situated in village Rasoi, Tehsil and District Sonapat was not included in the Award dated 27.06.2008 and which was annexed alongwith the CWP No. 13247 of 2020 as Annexure P-3 as True Photo Copy but the deponent petitioner has not indulged in any tampering of the said document in any manner whatsoever and the said document has been placed as Annexure P-3 as made available by the authorities. Therefore, the deponent petitioner vehemently denies the aforesaid attribution.*
3. *That the Short Reply dated 25.02.2021 filed on behalf of respondent No. 3 contains the Award dated 27.06.2008 and stands attached alongwith the said reply as Annexure R-1.*

Pertinently, the subject land depicted by Killa No. 14//3 (5-10) is also not included in the said Award which starts from page 18 and ends on page 21 of the above said Short Reply. The entire edifice of the unmerited and unsubstantiated allegations regarding tampering, forging etc. qua the deponent petitioner raised in the said Short Reply fall flat on their face and rather the stand of the deponent petitioner in the entire litigation stands vindicated.

4. *That vide E-mail dated 26.02.2021 (12.39 PM), another copy of the said Award dated 27.06.2008 was received which has been described as the vernacular version which contains the subject land bearing Killa No. 14//3 (5-10). However, a bare comparison of Copy of Award dated 27.06.2008 attached with the Short Reply as Annexure R-1 as **True Copy** and the so called **Vernacular Version** of the said Award received by E-mail establishes the fact that both are the same document and there is not even a single word in Hindi or in any other language so as to render the same as the **Vernacular Version** of the said Award.*
5. *That from a bare perusal of the above said Award attached as Annexure P-3 vide CWP No. 13247 of 2020, Annexure R-1 vide Short Reply dated 25.02.2021 and the Vernacular Version sent through E-mail dated 26.02.2021 establishes the fact that **the total area is 101 Acre 5 Kanal 8 Marla and the total amount is Rs. 26,98,86,120/- (Rupees Twenty six crore ninety eight lakh eighty six thousand one hundred twenty only) as per the above said two Annexures and the Vernacular Version sent vide E-mail. Consequently, the onus lies upon the authorities-respondents to explain as to how and in what manner the different and discrepant copies of the said Award dated 27.06.2008 are existing.** ”*

Although the petitioners have stated that their land viz. Killa No. 14//3 measuring 5 Kanal 10 Marlas is not mentioned in the true photocopy of the Award dated 27.06.2008 **(R-1)** which is at variance with

HSI IDC, it is evident that the land of petitioners is indeed included and the first two lines describing certain portions of acquired land are certainly missing. Further, no vernacular is appended with the affidavit filed before us. It seems that the applicants-petitioners, once caught on the wrong foot, are trying to justify themselves without any basis.

Be that as it may, once the land of the petitioners was included in the Award dated 27.06.2008, which has been verified by concerned officer of respondent No. 3-HSI IDC through his affidavit, we do not see any reason to continue with the instant review application, where the only contention raised before us was regarding land of petitioners not being included in Award.

In view of the above, finding no merit, the present **review application** is hereby ordered to be **dismissed**.

(JASWANT SINGH)
JUDGE

April 05, 2021
'dk kamra'

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No