

CM-448-CWP-2019 IN/&
RA-CW-10-2019 (O&M)

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

(PROCEEDINGS THROUGH VIDEO CONFERENCING)

CM-448-CWP-2019 IN/&
RA-CW-10-2019 (O&M)
Date of Decision: 11.02.2022

Phulla & others

...Applicants

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashish Aggarwal, Sr. Advocate, with
Mr. Kulwant Singh, Advocate, for the applicant-petitioners.

Ms. Rajni Gupta, Addl. A.G. Haryana.

Mr. Amit Jain, Senior Advocate with
Mr. Varun Parkash, Advocate for respondents No. 6, 28 to 33.

None for respondents No. 14 and 16.

Mr. Ravi Dutt Sharma, Advocate for respondents No. 21 to 25.

Ms. Airika Sharma, Advocate, for Mr. Raghujeet Singh
Madaan, Advocate, for respondent No. 35.

AUGUSTINE GEORGE MASIH, J. (ORAL)

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Prayer in this application is for condonation of delay of 11 days
in filing the review application.

For the reasons stated in the application, the same is allowed.

Delay of 11 days in filing the review application stands condoned.

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The prayer in this application is for recall/review of the order 26.11.2018 passed by this Court in the light of the subsequent developments which have taken place especially with the stay order having been vacated qua the acquisition of land by the National Highway Authority of India.

Having considered the submissions made by the learned counsel for the parties and keeping in view the pleadings made in the application, this Court is of the view that it would be appropriate if the order dated 26.11.2018 is recalled/reviewed as the said order was passed by this Court on the assumption that the land belonging to the parties had been acquired as a whole, whereas it now transpires that a portion thereof had been acquired.

Learned senior counsel for respondents No.6, 28 to 23, Mr. Amit Jain and learned counsel for respondents No.21 to 25, Mr. Ravi Dutt Sharma, have pointed out that the amount of compensation is lying with the Collector and since the land acquired by the National Highway Authority of India was in their possession, which was reflected in the Sanad Taksim, they may be allowed to take the said compensation amount subject to some conditions/surety, as may be fixed by this Court.

Learned senior counsel appearing for the applicant – petitioners submits to the contrary by asserting that with the status of the land being joint, one person cannot be granted the said benefit as it has to be shared by all the share-holders.

I have considered the submissions made by the learned counsel for the parties and am of the considered view that the order dated 26.11.2018,

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which was passed by this Court, appears to have been passed on some misunderstanding with regard to the land, which is the subject matter of this writ, have been acquired as a whole, thus, prayer made in this review application is accepted. Order dated 26.11.2018 is recalled and the main writ petition is ordered to be restored to its original number. The writ petition be listed for consideration as per roster before the appropriate Bench on **23.02.2022.**

It would be open to the learned counsel for the parties to agitate the issues involved in the present case as none of the observations, which would have been made by this Court, shall have any bearing on the merits of the case.

The present review application stands allowed accordingly. All the pending miscellaneous applications stand disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

11.02.2022
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No