

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

214

RA-CR-52-2021 in FAO-786-2021

Decided on : 15.07.2022

National Highways Authority of India & another

.....Applicant/appellants

Versus

Yugbir Chand & others

.....Respondents

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

Present: Mr. Chetan Mittal, Sr.Advocate
with Mr.Abhilaksh Gaind, Advocate,
for the review/applicant-appellants.

Mr.Shoaib Khan, Advocate, for respondents No.1 & 2.

Ms.Palika Monga, DAG, Haryana.

G.S. Sandhawal, J. (Oral)

Counsel for the review/applicant-appellants has vehemently tried to convince this Court for review of the order dated 17.08.2021 and argue on the merits of the issue regarding the value of the land acquired and the limitations of how it could be used and the fact that it is situated abutting the Highway and would have to be kept as a Green Belt.

In the considered opinion of this Court, already 50% stay has been granted in favour of the applicant-appellants, apart from the fact that the statutory benefits except under Section 23(1A) of the Land Acquisition Act, 1898 are not to be paid. It has already been noticed that the amount had been deposited by way of FDR on an initial proceedings moved by the applicant itself and therefore, the argument which is sought to be raised that the amount may not be recovered from the landowners, is without any basis, keeping in view the fact that the landowners themselves have got an award of Rs.4,64,64,000/- per acre in their favour. The peculiarity of location of the land has already been noticed which is abutting the petrol pump and it is also situated on the T-turn of Burj Kotian Road and branches off the NH-22, leading to Shimla.

The landowners have been litigating for the fruits of the litigation and the quantum of land which is subject matter of dispute in the present appeal is stated to be only 11 biswas. In such circumstances, this Court is of the considered opinion that the interim order dated 17.08.2021 is not liable to be modified as sought by counsel for the applicant-appellants as interests of both the parties have been suitably kept in mind while passing the order.

Accordingly, in view of the above discussion, finding no merit in the present review petition, the same is hereby dismissed.

July 15, 2022
s/ sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No