

158 RA-RF-34-2022
CM-3318-CI-2022 in
RFA-2549-2017

RA-RF-35-2022 in
RFA-2550-2017

JAGDISH KUMAR
VS
STATE OF HARYANA AND OTHERS

Present: Mr. Tishampati Sen, Advocate
Mr. Abhilaksh Grover, Advocate
Mr. Adwiteya Grover, Advocate
for the review-applicant/appellant.

Mr. Shivendra Swaroop, AAG, Haryana..

**

CM-3318-CI-2022 in RA-RF-34-2022 in RFA-2549-2017

For the reasons stated in the application which is supported by an affidavit, the application for bringing on record the legal representatives of deceased late Sh. Jagdish Kumar (appellant), is allowed, subject to all the just exceptions.

The amended memo of parties is taken on record.

CM stands disposed of.

RA-RF-34-2022 in RFA-2549-2017
RA-RF-35-2022 in RFA-2550-2017

These are the applications to review the detailed judgment passed on 23.08.2022. The learned counsel representing the review applicant contends that this Court has wrongly refused to rely upon the sale deed Ex. P-76.

The sale deed Ex.P-76, has been discussed in para 22 of the judgment which reads as under:-

“22. As already discussed, Ex.P76 is not only with respect to the commercial piece of land located on Nuh-Pataudi road but also five months after the date on which notification under Section 4 of the 1894 Act was issued. In other words, after the State of Haryana proposed

**RA-RF-34-2022
CM-3318-CI-2022 in
RFA-2549-2017**

-2-

**RA-RF-35-2022 in
RFA-2550-2017**

acquisition in the area in order to develop the residential and commercial sectors, a company purchased 66 kanals of commercial land on Nuh-Pataudi road in order to take benefit of the residential and commercial sectors already planned to be developed by the State of Haryana. Hence, the RC has wrongly relied upon the sale instance (Ex.P76).”

Admittedly, the aforesaid sale deed relates to the period post the date of notification under Section 4 of the Land Acquisition Act, 1894. There is no error in noticing that fact. Moreover, a partnership firm has purchased the property which from the name itself shows that it is in the business of constructing godowns. The property has been purchased after the preliminary notification under Section 4 of the 1894 Act was issued by the State of Haryana to develop the residential and commercial sector. Therefore, the inference drawn by this Court is based on the appreciation of evidence.

Hence, no ground to review is made out.

Dismissed.

A photocopy of this order be placed on the file of the other connected case.

November 11, 2022

Ay

**(ANIL KSHETARPAL)
JUDGE**