

RA-RF No. 21 of 2021 (O&M) in
RFA No. 6633 of 2012

2023:PHHC:103381

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

**RA-RF No. 21 of 2021 (O&M) in
RFA No. 6633 of 2012
Date of Decision: 08.08.2023**

Jagdish Singh Maini and others

...Applicants-Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vineet Chaudhary, Advocate
for the applicants-appellants.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana
for respondent Nos. 1 & 2.

Mr. Pritam Singh Saini, Advocate
for respondent No. 3-HSIIDC.

HARKESH MANUJA, J.

CM-384-CI-2021

Prayer in the present application under Section 5 of
Limitation Act, is for condonation of delay of 1919 days in filing the
review application.

Upon notice, no reply has been filed, however, learned
counsel for respondents vehemently oppose the prayer made in the
review application.

I have heard learned counsel for the parties and gone
through the contents of the application, which have been supported
by an affidavit of one of the applicants-appellants.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for compensation pertaining to the land situated in revenue estate of **Village Harsaru, Tehsil & District Gurgaon**, in terms of judgment dated 31.03.2015, passed by Hon'ble Supreme Court in **Civil Appeal No. 3412 of 2015**, titled **"Sachin and others Versus State of Haryana and others"**.

Based thereupon and applying the principle of parity, besides grant of just and fair compensation, the landowners / applicants being similarly situated, are entitled for grant of similar amount of compensation, however, without any payment of interest for the period they failed to approach this Court after the decision of Reference Court. In this regard reliance can be placed upon the decision of Hon'ble Supreme Court in case of **"Ningappa Thotappa Angadi (Dead) through LRs Versus Special Land Acquisition Officer and Another"**, 2020 (19) SCC 599.

In view of the discussion made hereinabove as well as considering the contents of the application, the same is **allowed** and delay of 1919 days in filing the review application is hereby condoned.

MAIN REVIEW

Present review application moved on behalf of the applicants-appellants, has been preferred for reviewing the order dated 23.09.2014 (**A-1 colly**) passed by this Court, in terms of judgment dated 31.03.2015 (**A-3**) rendered by the Hon'ble Supreme Court in **Civil Appeal No. 3412 of 2015**, titled **"Sachin and others Versus State of Haryana and others"**.

[2] Learned counsel for the applicants-appellants submits that against the judgment dated 23.09.2014 (**A-1**), an SLP filed before the Hon'ble Supreme Court, stood dismissed as withdrawn, with liberty to approach this Court for grant of compensation in terms of judgment dated 31.03.2015 passed in **Sachin's case (supra)**. He vehemently submits that since the Hon'ble Supreme Court enhanced the compensation for the acquired land in **Sachin's case (supra)**, the landowners / applicants are also entitled for the same amount of compensation.

[3] Learned State Counsel as well as counsel for respondent-HSIIDC are not in a position to controvert the factual position; however, oppose the payment of interest for the period, the applicants-appellants failed to approach this Court after the decision of Reference Court.

[4] I have heard learned counsel for the parties and perused the paper-book.

[5] The land of the applicants was acquired by State of Haryana, situated in Village Harsaru, Tehsil & District Gurgaon, vide Notification dated 29.01.2003 & 28.01.2004 respectively, issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short "the Act"). The main appeal (RFA-6633-2012) filed by the applicants was decided vide order dated 23.09.2014 (**A-1**) by this Court alongwith bunch of appeals, the lead case of which was *RFA No. 2174 of 2012*, titled "**Smt. Savitri Devi Versus The Land Acquisition Collector, Gurgaon and others**". Thereafter, against the aforesaid order dated 23.09.2014, an SLP filed before the Hon'ble Supreme Court stood dismissed as withdrawn while granting liberty to approach this Court

for grant of compensation in terms of judgment dated 31.03.2015 in **Sachin's case (supra)**. It is not disputed that the Hon'ble Supreme Court in **Sachin's case (supra)**, reduced 10% cut in case of Village Harsaru and Garauli Khurd, inasmuch as this Court awarded compensation @ Rs. 68 lakhs per acre after imposing 40% cut. The relevant part of order dated 31.03.2015 passed in **Sachin's case (supra)** by the Hon'ble Supreme Court is as under:-

“
As far as the other two villages are concerned namely Harsaru and Garauli Khurd into the facts and circumstances of the case, we are of the opinion that the cut of 40% imposed by the High Court is slightly on the higher side and therefore we reduce it to 30%. It is ordered accordingly. ”

[6] Based upon the above, applying the principle of parity, the landowners / applicants being similarly situated are held entitled for grant of similar amount of compensation, as has been awarded to others vide judgment dated 31.03.2015 (*supra*), by applying the cut of 30% instead of 40%, besides all other statutory benefit and interest thereupon as provided under the Act, except interest for the period the applicants did not approach this Court for filing the present review application

[7] **Disposed off** in terms of **Sachin's case (supra)**.

Pending application(s), if any, shall stand(s) disposed off.

August 08, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No