

CM No. 2623-CI of 2021 in/and
RA-RF No. 32 of 2021 in
RFA No. 2143 of 2015

2023:PHHC:093301

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

**CM No.2623-CI of 2021 in/and
RA-RF No.32 of 2021 in
RFA No.2143 of 2015
Date of Decision: 17.07.2023**

Ramji Dass (now deceased) through LRs.

.....Appellants

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Animesh Sharma, Advocate,
for the review applicants/appellants.

Mr. Shivendra Swaroop, DAG, Haryana.
for respondent Nos. 1 & 2.

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

HARKESH MANUJA, J.(ORAL)

CM No.2623-CI of 2021

By way of present application, prayer has been made for
condoning the delay of 1444 days in filing the present review
application.

Upon notice, reply to the application on behalf of
respondent No. 3-HSIIDC stands filed.

I have heard learned counsel for the parties and gone
through the contents of the application.

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Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation qua the land measuring 297 acres 1 kanal & 18 marla, acquired by State of Haryana, situated in revenue estate of Village Rajpur, Tehsil & District Panipat, to Rs. 1051/- per square, in view of order dated 26.09.2017 (Annexure A-4), passed by this Court in 32 review applications, the lead case of which was ***RA-RF No. 122-CI of 2017 in RFA No. 978 of 2015***, titled ***“Siri Chand 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 earlier decision of this Court on 03.03.2016. 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 contents of the application, the same is **allowed** and delay of 1444 days in filing the review application is hereby condoned.

MAIN REVIEW

[1] It transpires that present appeal was disposed off vide order dated 03.03.2016 (***Annexure A-1***) by this Court in a bunch of appeals, the lead case of which was ***RFA No. 2963 of 2015***, titled

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“Haryana State Industrial and Infrastructure Development Corporation Ltd. and another Versus Mangal Singh and others”, whereby the compensation awarded to the landowners, arising out of the same acquisition, was enhanced to Rs. 1013/- per square yard. Thereafter, the matter was taken to the Hon’ble Supreme Court by the landowners by filing **SLP (C) Nos. 6729-6732 of 2017**, titled **“Amir Chand etc. etc. Versus State of Haryana and others etc. etc”**, in which, vide order dated 24.04.2017 (Annexure A-3), the petitioners were given opportunity to approach this Court by way of review. The relevant portion of the said order reads as under:-

“ The only point involved in these cases is whether the High Court was correct in granting 12% increase on compensation awarded in Tara Chand's case in determining the quantum of compensation at Rs.1,013/- per square yard or the High Court should have applied a reverse cut in the compensation in the event, according to the petitioners, the compensation would have been at Rs.1,062/- per square yard. We decline to go into the said question. The same is, therefore, left to be determined by the High Court in the event the petitioners move the High Court by way of review, etc., if so advised.

The special leave petitions are disposed of in the above terms.”

[2] Subsequently, in 32 review applications moved by the claimants-landowners, the lead case of which was **RA-RF No. 122-CI of 2017 in RFA No. 978 of 2015**, titled **“Siri Chand Versus State of Haryana and others”,** this Court, vide order dated 26.09.2017 (Annexure A-4), reviewed its earlier order dated 03.03.2016 and re-

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determined the value of the acquired land to Rs. 1051/- per square yard instead of Rs. 1013/- per square yard.

[3] Learned counsel for the parties do not dispute the above factual position.

[4] Based upon the above and applying the principle of parity, the landowners / appellants being similarly situated are held entitled for grant of similar amount of compensation, as has been awarded vide judgment dated 26.09.2017 (*supra*), besides all other statutory benefit and interest thereupon as provided under the Act, except interest for the period the appellants did not approach this Court after passing of the earlier decision by this Court on 03.03.2016.

[5] In view of the aforesaid discussion, since the controversy being squarely covered with the judgment dated 26.09.2017 passed in ***Siri Chand's case (supra)***, present review application is **disposed off** in the same terms.

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

(HARKESH MANUJA)
JUDGE

17.07.2023
anil / dk karma

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No