

RA-RF No. 25 of 2022 (O&M) in
RFA No. 1874 of 2016

2023:PHHC:108382

215-4

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

**RA-RF No. 25 of 2022 (O&M) in
RFA No. 1874 of 2016
Date of Decision: 28.07.2023**

Balraj

...Applicant-Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Navmohit Singh, Advocate
for the applicant-appellant.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J.

CM-2606-CI-2022

Application is **allowed**, as prayed for, subject to all just exceptions. Exemption from filing the certified / true typed copy of documents / Annexures A-1 to A-3 is granted.

CM-2605-CI-2022

Prayer in the present application under Section 5 of Limitation Act, is for condonation of delay of 1325 days in filing the review application.

Upon notice, no reply has been filed, however, learned State Counsel vehemently opposes the prayer made in the review application.

I have heard learned counsel for the parties and gone through the contents of the application, which has been supported by the affidavit of the applicant.

Concededly, the other similarly situated landowners pertaining to the same acquisition proceedings have already been held entitled for the enhanced amount of compensation pertaining to the acquired land falling in same revenue estate, i.e. **Village Baroli / Badoli, Tehsil & District Faridabad**, to the tune of Rs. 2577/- per square yard, in view of judgment dated 13/14.07.2021 passed by Hon'ble Supreme Court in **Civil Appeal No. 2903 of 2021**, titled **"Banwari Lal & Anr. Versus State of Haryana & Ors."**.

Based thereupon, applying the principle of parity, besides awarding just and fair compensation and relying 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** as well as in view of the contents of application, the same is **allowed** and delay of 1325 days in filing the appeal is hereby condoned.

MAIN REVIEW

Prayer in the present review application under Section 114 CPC moved on behalf of the applicant-appellant / landowner, is for reviewing the order / judgment dated 18.11.2016 passed in main appeal, which was disposed off in terms of decision dated 16.09.2015 passed in **RFA No. 7108 of 2012**, titled **"Rampal and others Versus Land Acquisition Collector and another"** and further prayer is for grant of compensation in terms of judgment dated 14.07.2021 passed

in **Civil Appeal No. 2903 of 2021**, titled **“Banwari Lal and others Versus State of Haryana and others”**

[2] Learned counsel for the applicant-appellant, *inter alia*, contends that similar controversy has already been decided by this Court vide order of even date passed in **CM No. 4537-CI of 2021 in RFA No. 2005 of 2016**, titled **“Mrs. Shanti and others Versus State of Haryana and another”**. He further contends that main appeal is squarely covered with the judgment dated 14.07.2021 passed in **Civil Appeal No. 2903 of 2021**, titled **“Banwari Lal and others Versus State of Haryana and others”**, arising out of the same notification, vide which the land of applicant-appellant had been acquired.

[3] Upon notice, no reply has been filed.

[4] Learned State Counsel is not in a position to dispute about the disposal of the main appeal in terms of judgment dated 14.07.2021 passed in **Banwari Lal’s case (supra)**; however, opposes payment of interest for the period, the applicant-appellant failed to approach this Court.

[5] I have heard learned counsel for the parties and gone through the paper-book.

[6] Concededly, similar controversy has already been decided in an application vide order of even date passed in **Mrs. Shanti’s case (supra)**. Hence, the applicant-landowner, whose land belongs to **Village Baroli / Badoli, Tehsil & District Faridabad**, is also held entitled for grant of compensation @ Rs. 2577/- per square yard besides other statutory benefits as awarded by the Hon’ble Supreme Court in **Banwari Lal’s case (supra)** and further, as directed therein, he shall not be entitled for interest on the enhanced

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amount of compensation for the period of 90 days of judgment dated 18.11.2016 passed in main appeal, till the filing of present application. For detailed discussion, see order dated 28.07.2023, passed in **Mrs. Shanti's case (supra)**.

[7] Based upon the above, applying the principle of parity, besides award of just and fair compensation, the applicant / landowner being similarly situated is held entitled for grant of similar amount of compensation as has been awarded to others, vide judgment dated 14.07.2021 in case of **Banwari Lal (supra)**, alongwith all other statutory benefits.

[8] In view of the above discussion, present review application is **allowed** in terms of order dated 28.07.2023 passed in **Mrs. Shanti's case (supra)** and the order dated 18.11.2016 passed in main **appeal** is **modified** in terms of judgment dated 14.07.2021 passed in case of **Banwari Lal (supra)**.

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

July 28, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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