

RA-RF No. 107 of 2019 (O&M) in
RFA No. 1944 of 2005

2023:PHHC:091291

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

**RA-RF No. 107 of 2019 (O&M) in
RFA No. 1944 of 2005 (O&M)
Date of Decision: 19.07.2023**

Shri Ram (since deceased) through LRs and others
...Appellants

Versus

State of Haryana and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: None for the appellants.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

CM-1739-CI-2020

Prayer in the present application under Order 22
Rule 3 read with Section 151 CPC, is for impleadment of legal
heirs of appellant No. 3-Kartar Singh, who died on 18.11.2019.

Application is **allowed**, as prayed for subject to all
just exceptions. The persons mentioned in para-2 of the
application are ordered to be impleaded as LRs of the above
appellant.

Amended memo of parties is taken on record.

CM-8697-CI-2019

Prayer in the present application under Section 5 of
Limitation Act, is for condonation of delay of 3446 days in filing
the review application.

Upon notice, reply to the application stands filed.

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 land situated in revenue estate of Village Bahadurgarh, Hadbast No. 38, Tehsil Bahadurgarh, District Rohtak (now District Jhajjar), to the tune of Rs. 12 lakh per acre uniformly for the land located on National Highway No. 10 (NH 10) Delhi-Hissar Road upto the depth of 3 acres; Nazafgarh - Bahadurgarh road upto depth of three acres and also for rest of the land, in view of judgment dated 17.11.2017 passed by the Hon'ble Supreme Court in ***Civil Appeal No. 19354 of 2017***, titled ***"Rajender Singh and others Versus State of Haryana & 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 contents of the application, the same is **allowed** and delay of 3446 days in filing the review application is hereby condoned.

MAIN REVIEW

[1] It transpires that present appeal was decided vide order dated 19.03.2010 (**Annexure A-2**) by this Court in a bunch of appeals, the lead case of which was RFA No. 1283 of 2005, titled ***“Madan Mohan Lal Versus State of Haryana and another”***, which stood remanded back vide order dated 18.09.2013 passed by the Hon'ble Supreme Court in ***Civil Appeal Nos. 6837-6851 of 2009***, titled ***“Roop Chand and another etc. Versus State of Haryana and others”***. Thereafter, the above RFA No. 1283 of 2005 was disposed off on 31.08.2015 (**Annexure A-4**) with a bunch of appeals, the lead case of which was RFA No. 8 of 2005, titled ***“Devinder Singh and others Versus State of Haryana and others”***, excluding the present appeal, i.e. RFA No. 1944 of 2005.

In RFA No. 8 of 2005, this Court, vide order dated 31.08.2015 (**A-4**), awarded the compensation of Rs. 8 lakhs per acre for land falling upto the depth of three (03) acres on Delhi-Hisar road; Rs. 5.5 lakhs per acre for the land located on Nazafgarh-Bahadurgarh road upto the depth of three (03) acres; and Rs. 4 lakhs per acre for the rest of land.

[2] Aggrieved thereof, the landowners challenged the decision dated 31.08.2015 (*supra*) and ultimately, the Hon'ble

Supreme Court passed the order dated 17.11.2017 in ***Rajender***

Singh's case (supra) and enhanced the compensation to the tune of Rs. 12 lakh per acre uniformly for the land located on National Highway No. 10 (NH 10) Delhi-Hissar Road upto the depth of 3 acres; Nazafgarh - Bahadurgarh road upto depth of three acres and also for rest of the land. Based thereupon, 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 17.11.2017 (*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 Reference Court's Award.

[3] In view of the aforesaid discussion, since the controversy being squarely covered with the judgment dated 17.11.2017 passed in **Rajender Singh's case (supra)**, present review application is **disposed off** in the same terms.

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

July 19, 2023

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**(HARKESH MANUJA)
JUDGE**

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