

In the High Court of Punjab and Haryana at Chandigarh

**CM-13537-CWP-2023 &
CM-13549-2023 IN/AND
RA-CWP-378-2018
Date of Decision: 13.10.2023**

Chet Ram (deceased) through his LRsApplicant-Petitioner

Versus

State of Haryana and othersRespondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Ms. Navneet Kaur, Advocate for
Mr. Sandeep Sharma, Advocate
for the applicant-petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

CM-13537-CWP-2023

The application is allowed as prayed for. Annexure P-12 is taken on record.

CM-13549-CWP-2023

1. It is averred in the instant application, that during the pendency of the instant review application, before this Court, the demise of sole applicant-petitioner one Chet Ram, has occurred on 13.4.2022. The deceased applicant-petitioner, is averred in the application, to be succeeded by his legal representatives, as enumerated in paragraph 1 of the application. It is further averred that for the continuation of the instant writ petition, the substitution of the legal heirs of the deceased applicant-petitioner, is imperative.

2. Therefore, the prayer made in the application for the substitution of the deceased applicant-petitioner, being made by his LRs, is

accepted.

3. Accordingly, the application stands allowed. Amended memo of parties is taken on record. Registry is directed to tag the same at the appropriate place.

RA-CW-378-2018

1. The present petitioner had instituted CWP-14420-2014, before this Court. On the said writ petition, a decision was made on 6.11.2017, by this Court. Through the decision (supra), the claim made in the writ petition, thus seeking the assigning to the petitioner the benefit of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013'), rather became denied, to the present petitioner. The petitioner became aggrieved from the said decision, thus made a challenge thereto through his instituting thereagainst SLP No. 13981 of 2018, before the Hon'ble Apex Court. On the SLP (supra), the Hon'ble Apex Court granted leave to the petitioner to withdraw the SLP (supra), but with liberty, as claimed, to file a review petition before this Court. Therefore, the instant review application has been filed before this Court.

2. The learned counsel for the applicant-petitioner submits, that since the apposite discharging evidence remained unadduced by the acquiring authority concerned, thus displaying that accomplishment becomes meted, to the twin statutory parameters, enshrined in Section 24(2) of the Act of 2013, inasmuch as, rapat possession not being assumed of the petition land, and, nor compensation in terms of Section 31 of the Land Acquisition Act, 1894 (for short 'the Act of 1894'), becoming deposited, before the learned Collector concerned, for thereafter its becoming available

for being released to the land losers concerned, therefore the decision under

review, rather is required to be recalled.

3. It is clarified, that apart from the above, no other claim became raised in the instant writ petition, nor in the instant review application any claim anviled, upon, assigning to the land losers concerned, the benefits in terms of Section 101-A of the Act of 2013, has been raised, by the land losers concerned.

4. For determining the validity of the above made submissions, since it is clear from a reading of the reply on affidavit, as became furnished, to the instant writ petition, that rapat possession of the acquired land, became assumed through rapat bearing No. 569 of 21.7.2003. Moreover, when the compensation amount, as became determined by the Land Acquisition Collector concerned, became deposited in terms of Section 31 of the Act of 1894, before the learned Collector concerned, for the same becoming available for being disbursed to the land losers concerned. In consequence, since both the said parameters (supra) become affirmatively proven by the acquiring authority. Therefore, the claim made in the review application, that the verdict, asked to be reviewed, is as such required to be reviewed, does not appeal to the judicial conscience of this Court, to become reviewed by this Court.

5. Lastly, it is apt to mention here, that the present petitioner had also raised a petition for enhancement under Section 18 of the Act of 1894, before the learned Collector concerned. Therefore, when he has accepted the making of the award, thereby he becomes completely estopped from seeking any review of the verdict, as, made by this Court on 6.11.2017, upon CWP-14420-2014.

6. In consequence, this Court finds no error apparent on the face of

the record in the verdict made by this Court on 6.11.2017 in CWP-14420-2014.

7. Therefore, the present review application is dismissed being totally devoid of any merit.

(SURESHWAR THAKUR)
JUDGE

(GURVINDER SINGH GILL)
JUDGE

October 13, 2023
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No