

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-3541-CWP of 2018,
RA-CW-69 of 2018 in
CWP No. 17047 of 2007
Date of Decision:19.05.2023

Joginder Singh

.....Applicant-petitioner

Versus

State of Haryana and others

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ravindra Jain, Advocate
for the applicant-petitioner.

Mr. Ankur Mittal, Addl.AG., Haryana
and Mr. Saurabh Mago, AAG., Haryana.

LISA GILL, J.

1. Prayer in this application is for review of decision dated 16.11.2017, whereby the abovesaid writ petition filed by the applicant-petitioner was disposed of with acquisition of land measuring 23.10 sq. yards owned by him being set aside.

2. Applicant-petitioner in the writ petition had sought quashing of notification dated 11.07.2006, under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') and notification dated 16.07.2007 under Section 6 of the Act, whereby his land had been acquired. Applicant-petitioner claimed that his residential house was situated in Khasra no. 3264, Revenue Estate Karnal, District Karnal and was constructed on 229 sq. yards. That apart from the said residential house, he did not have any house in his occupation or his family members.

3. Vide decision dated 16.11.2017, applicant-petitioner was found to be owner of land only to the extent of 23.10 sq. yards, on which

construction was found to be existing prior to issuance of notice under Section 4 of the Act. Accordingly, acquisition of the said area of 23.10 sq. yards was quashed and applicant-petitioner was permitted to retain the area to the said extent.

4. Applicant-petitioner has filed the present review application with the contention that he had purchased the house in question by way of a registered sale deed dated 01.03.2005 and possession of the house which was constructed over 229 sq. yards was handed over to him by the purchaser. Mutation was also entered on 06.07.2005. It is stated that prior to purchase of this property by him, the same had been purchased by Parveen Kumar son of Hari Parkash (his vendor) from Ramesh Chand son of Ram Krishan, vide registered sale deed dated 22.09.1992. It is contended by learned counsel for the applicant-petitioner that due to some exigency or circumstances, applicant-petitioner, at the time of decision of the writ petition on 16.11.2017 was not able to place on record all the documents indicating his title, which show that he is the owner in possession of the entire 229 sq. yards and not just 23.10 sq. yards and that in view of decision dated 16.11.2017, he is also unable to take up the matter before the learned Civil Court. It is only due to inadvertent oversight that copies of the sale deed and mutations in his favour could not be produced before the Court at the time of decision on 16.11.2017.

5. Reply to the said application has been filed, wherein the averments as above are controverted. Learned counsel for the State while referring to the said reply submits that pursuant to issuance of notice in the present proceedings, the entire record was again verified and it has been found that both Khasra Nos. 3264 and 3048 are part of one Khewat No.

409//400 and Khatoni No. 624. Area of both these khasra numbers is 2

Bighas and 15 Biswas. Share of the applicant-petitioner in Khasra No. 3264 as well as 3048 is 1/120 each. Share of applicant-petitioner in Khasra No. 3264 is 16.80 sq. yards and in case, area of ownership of applicant-petitioner for Khasra Nos. 3048 and 3264 is taken jointly, it is calculated as 23.10 sq. yards.

6. We have perused the file as well as decision dated 16.11.2017.

7. Case of the applicant-petitioner in the writ petition is also that he is owner of the land to the extent of 229 sq. yards. He was however, found owner of the land to the extent of 23.10 sq. yards only at the time of decision of the writ petition on 16.11.2017. Learned counsel for the applicant-petitioner is unable to point out discovery of any new or important matter or evidence which despite due diligence could not be produced by him at the time of decision or any error apparent on record or any other sufficient reason which calls for recall/review of order dated 16.11.2017. There is a delay of 66 days in filing this review application. As the review application has been heard on merits, adjudication on application seeking condonation of delay is rendered academic. Ordered accordingly.

8. Review application is accordingly dismissed. Pending application/s, also stand disposed of accordingly.

(LISA GILL)
JUDGE

(GURVINDER SINGH GILL)
JUDGE

May 19, 2023.
s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.