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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CW-188-2024 (O&M)
(CWP-3943-2014)
and RA-CW-284-2024 (O&M)
IN CWP-3943-2014
Date of decision: 12.07.2024

HARBIR SINGH AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Shailendra Jain, Sr. Advocate with
Ms. Richa Sharma, Advocate
for the petitioners (in RA-CW-188-2024)

Mr. Sahil Parmar, Advocate
for the petitioners (in RA-CW-284-2024)

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)
CM-10142-CWP-2024

The instant application has been filed for correction of mis-
description in the name of respondent No.6 in the amended memo of parties
as per correct amended memo of parties.

For the reasons recorded in the application, the same is allowed.
Respondent No.6 is corrected as per corrected amended memo of parties,
and, the same is taken on record.

RA-CW-188-2024

1. This Court through a verdict made on 29.04.2024, upon CWP-

others”, thus on the purported premise as occurs in paragraph 3 of the verdict, asked to be reviewed, paragraph whereof becomes extracted hereafter, proceeded to thus, construe that the instant writ petition has been remitted to this Court by the Apex Court, and, thereby in terms of the order of remand, this Court is required to be proceeding to make an adjudication vis-a-vis the inapplicability or applicability vis-a-vis the present petitioner, thus the provisions embodied in Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013.

“3. Earlier the instant petition along with CWP-11445-2008 and other connected CWPs were disposed of by this Court on 27.10.2016. The said decision became challenged before the Hon’ble Apex Court by filings of SLPs. The Hon’ble Apex Court through a decision made on 13.11.2021, on the said SLPs, set aside the impugned order, and, remitted the instant writ petition to this Court for deciding it afresh. Thereafter, when the instant petition came up for hearing on 27.9.2022, it was adjourned sine die to await the decision of SLP (C) No. 003881-2020. The operative part of the decision on the said SLP is extracted hereinafter.

“In such view of the matter, the appeal is allowed.

Accordingly, the impugned order stands set aside and the matter is remitted to the High Court to be decided on the issues other than the one covering the field in Indore Development Authority (supra)””

2. The learned Senior counsel appearing for the review application as well as the learned State counsel, both are in alignment to the effect that the said premise is *prima facie* misfounded, thus for lack of a proper communication becoming purveyed to this Court by the learned counsels then appearing on behalf of the contesting litigants before this Court. The said miscommunication, thus led this Court to, in paragraph 3 (supra), conclude that there is a necessity cast on this Court to make a re-

adjudication, upon the subject writ petition, thus on the ground that the same becomes remitted to this Court by an order of remand made by the Apex Court, whereas, as stated (supra), there was no order of remand for a fresh adjudication being made upon the subject writ petition by this Court.

3. Consequently, if so, the said misfounded premise is naturally an error apparent on the face of the record. Resultantly, the decision asked to be reviewed is recalled and the verdict made by this Court, on 29.04.2024 is quashed and set aside.

RA-CW-284-2024

- 1. Since the relief claimed in the instant review application is similar to the one as asked in RA-CW-188-2024, which has been allowed, as such the instant review application is also allowed in the same terms.
- 2. Pending miscellaneous application(s), if any, stand(s), disposed of.
- 3. A photocopy of this order be placed on the file of other connected review application.

(SURESHWAR THAKUR)
JUDGE

12.07.2024
Ithlesh

(AMARJOT BHATTI)
JUDGE

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