

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

2024.PHHC.126260-DB



(224)

**RA-CW-110-2022(O&M) in
CWP-11644-2020
Decided on : 24.09.2024**

Kamlesh Rani and another

.....Review applicant/Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Ashish Gupta, Advocate
for the review applicant/petitioner (s).

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

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda & Mr. Siddhant Arora, Advocates
for the respondent-HSVP.

G.S. Sandhawalia, J.(Oral)

1. Review is sought of the order dated 11.08.2020, whereby the writ petition was dismissed by the Co-ordinate Bench by noticing that it was the second round of litigation. Reference was made to the earlier order passed by the Apex Court dated 12.10.2017 passed in **Civil Appeal Nos.16834-16847 of 2017**, whereby limited relief as such had been given for consideration whether the land was liable to be released or not, which is stated to be 3 kanals 2 marlas. It was also noticed that in pursuance of the order passed by the Apex Court, a Committee was constituted and the case of the petitioners had been examined by the Committee in its meeting held on 25.07.2018 and, thereafter the request had been declined by order dated 13.03.2019 (Annexure P-15), which is the subject matter of challenge. The Co-ordinate Bench, accordingly,

came to the conclusion that the land of the petitioner was falling in 30 meter wide green belt and, therefore, was not qualified for release. It was also observed that the Committee had noticed that at the time of Section 4 notification only 20 square yards was the constructed portion, which had been increased to one room and two shops total measuring to 91 square yards. Resultantly, keeping in view the observations of the judgment passed the Constitutional Bench in **Indore Development Authority Vs. Manoharlal & others, AIR 2020 SC 1496** that once the possession is with the State, the acquisition proceedings had been finalized and the Award having been passed on 19.12.2001, the writ petition was dismissed.

2. The review petition has been filed by a counsel, who was not the original counsel and, therefore, the issue is sought to be raked up afresh by attaching additional documents vide **CM-9105-CWP-2022**, to re-open and re-argue the whole issue, which would not be within the purview of the review jurisdiction. In such circumstances, we are of the considered opinion that in the absence of any patent illegality or irregularity on the face of the order, there is no scope for us to re-open the whole issue, as contended by the counsel for the review-applicants. More so, keeping in view the law laid down by the Apex Court in **T.N. Electricity Board and another Vs. N. Raju Reddiar and another, 1997 AIR (SC) 1005**, filing of review application through a new counsel is not permissible.

4. It is to be noted that the petitioners continue to be in possession of the land in question, on account of an interim order passed way-back when the litigation was firstly initiated and, thereafter, having lost the litigation in the year 2011, got an interim order of status-quo from the Apex Court on 19.04.2002 before the remand in 2007. In such circumstances, there is no ground for them to turn around and say that the utilization of the land has not

been done, as apparently the planned development is yet to take place, only when the State takes physical possession.

5. Resultantly, there is no merit in the present review application and same is hereby dismissed. Accordingly, **CM-9105-CWP-2022** filed for placing on record additional documents is also dismissed.

(G.S. SANDHAWALIA)
JUDGE

24.09.2024
Naveen

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No