

2025.PHHC:167734



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-4068-CI-2019 IN/AND
RA-RF-250-2023 (O&M)IN
RFA-2647-2004 & other connected cases

Harke (since deceased)
through his LR's and others

. . . . Applicant-Appellant

Vs.

State of Haryana and others

. . . . Respondents

Reserved on: 26.11.2025

Pronounced on: 02.12.2025

Pronounced fully/operative part: Fully

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Argued by: - Mr. Bhrigu Agnihotri, Advocate,
for the applicants-appellants.

Mr. Gaurav Garg, AAG, Haryana.

DEEPAK GUPTA, J.

This order shall dispose of 15 review applications filed under Order XXXVII Rule 1 read with Section 151 CPC, so as to review orders pertaining to 15 different Regular First Appeals, which along with such other appeals, were disposed of vide common order dated 10.02.2009 passed by Co-ordinate Bench of this Court in bunch of appeals, led by RFA No.1 of 2006 titled '*State of Haryana & Anr. Vs. Jagbir Singh & Ors*'.

2. Each review application is accompanied by a separate application under Section 5 of the Limitation Act seeking condonation of delay, which ranges between 4557 and 4586 days.

3. Following table will give the details of RFAs of the applicants, as disposed of in the bunch on 10.02.2009, besides review application number, and civil miscellaneous applications moved in respective review applications, so as to condone the delay besides the period of delay:-

Sr. No.	RFA No.	Title	Review Appl. No.	CM Number to condone delay	Period of delay (days)
1.	2647 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-250 of 2023	4068-CI-2023	4578
2.	2648 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-251 of 2023	4070-CI-2023	4578
3.	2650 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-253 of 2023	4092-CI-2023	4578
4.	2651 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-254 of 2023	4094-CI-2023	4578
5.	2649 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-252 of 2023	4072-CI-2023	4578
6.	2653 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-256 of 2023	4115-CI-2023	4582
7.	2652 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-255 of 2023	4116-CI-2023	4582
8.	2654 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-257 of 2023	4132-CI-2023	4582
9.	2655 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-258 of 2023	4136-CI-2023	4582
10.	2644 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-248 of 2023	4001-CI-2023	4577
11.	2643 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-246 of 2023	3989-CI-2023	4576
12.	2645 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-247 of 2023	4002-CI-2023	4577
13.	2646 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-249 of 2023	4066-CI-2023	4578
14.	2642 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-245 of 2023	3943-CI-2023	4557

15.	2659 of 2004	Harke & Ors. Vs. State of Haryana & Ors.	RA-RF-259 of 2023	4201-CI-2023	4586
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4. **Background of the case :** The substantive matter arises out of the compulsory acquisition of land situated in the revenue estate of Bahadurgarh, Hadbast No.38, acquired by the State of Haryana vide notification dated 12.05.1995 under Section 4 of the Land Acquisition Act, 1894, followed by the declaration issued on 10.05.1996. The acquisition was for development and utilization of land as a residential and commercial area in Sectors 9 and 9-A, Bahadurgarh. The Land Acquisition Collector, Hisar by Award No.1 dated 24.04.1998, assessed the market value of the land at different rates depending upon its location and nature. The Reference Court, in the proceedings under Section 18 of the Act vide order dated 30.09.2004, granted a uniform enhancement of ₹50,000/- per acre across all categories.
5. Appeals were thereafter filed both by the landowners and by the State. A Co-ordinate Bench of this Court, in a bunch of appeals led by RFA-1-2006, titled **State of Haryana & Anr. v. Jagbir Singh & Ors**, decided on 10.02.2009, re-assessed the market value at three slab rates depending upon the depth of land from the main roads. The matter travelled to Hon’ble Supreme Court at the instance of several landowners. Vide judgment dated 18.09.2013 in **Roop Chand and another v. State of Haryana** [CA Nos. 6837-6851 of 2009], the appeals were allowed and the matters were remanded to this Court for fresh determination.
6. After remand, a Co-ordinate Bench, in the leading case of RFA-8-2005 titled **Devinder Singh and others v. State of Haryana**, decided on 31.08.2015, undertook a fresh assessment and determined the market value of the acquired lands by further enhancing compensation depending on the nature and location of the land.
7. Some other landowners, pursued the matter before Hon’ble Supreme Court, and their appeals were decided in a bunch of cases led by Civil Appeal No.19354 of 2017, titled **Rajender Singh and others v. State of**

Haryana, decided on 17.11.2017. Vide the said judgment, Hon'ble Supreme Court further enhanced the market value of the land situated in Bahadurgarh to ₹20,00,000/- per acre; and for other neighbouring villages namely, Bir Barkatbad, Balore and Sarai Aurangabad to ₹15,00,000/- per acre.

8. It may be noted here itself that all the review applicants herein had also filed Special Leave Petitions bearing SLP(C) No. 4254-4268 of 2010 before Hon'ble Supreme Court, but those SLPs were listed separately from the SLPs of the similarly situated land owners. It is contended that Harke Ram, one of the applicants, was pursuing the entire matter for enhancement of compensation and was co-ordinating with lawyers. Unfortunately, one of his sons expired in 2009 and another son in 2011, due to which he was under great stress. Unfortunately, Harke Ram also expired in 2016.

9. In the meantime, SLP(C) Nos. 4254-4268, as filed by the review applicants, were disposed of for non-prosecution vide order dated 04.04.2012 (*Annexure A-4*) by Hon'ble Supreme Court. The said review applicants filed restoration applications bearing IA No. 31-45 of 2014 in aforesaid SLPs on 01.08.2014 for restoration/ recalling of the dismissal order. However, those applications were dismissed on 05.09.2014 vide *Annexure A-5*.

10. In the meantime, Hon'ble Supreme Court vide judgment dated 18.09.2013 in CA No. 6837-6851 of 2009 filed by similarly situated landlords titled '**Roop Chand Vs. Haryana State**' had allowed the appeals against the judgment dated 10.02.2009 of this Court and had remanded the matter to this Court for fresh determination, as noted above.

11. It is on the strength of the later judgment of Hon'ble Supreme Court dated 17.11.2017 that the present review applications under Order 47 Rule 1 CPC have been filed, praying that the order dated 10.02.2009 passed by this Court be reviewed so that the appellants may also be granted the same enhanced compensation on the principle of parity.

12. Along with the review applications, different applications, as mentioned in the table, for condoning different periods of delays have also been moved.

13. The State opposes the applications for condonation of delay by contending that the applicants cannot be allowed to reap the benefit of the enhancement granted in favour of other landowners and that such a belated request, after more than 12 years, deserves no indulgence by this court.

14. Apart from opposing the applications for condoning the huge delay in filing these review applications, learned State counsel has also opposed the review applications on the ground of maintainability. It is contended that once the special leave petitions, as filed by the review applicants were dismissed by Hon'ble Supreme Court on 04.04.2012, and even the restoration applications were dismissed on 05.09.2014, review applications before this Court are not maintainable.

15.1 Replying to the aforesaid contentions, learned counsel for the applicants submitted that applications deserve to be given enhanced compensation on the basis of parity in tune with various judgments passed by Hon'ble Supreme Court from time to time.

16.2 It is further the contention of learned counsel that since SLPs before Hon'ble Supreme Court were not decided on merits and rather, they were dismissed in default for want of prosecution, therefore, the review applications before this Court are maintainable. Learned counsel has relied upon '*Khoday Distilleries Ltd. Vs. Sri Mahadeshwara Sahakara Sakkare Karkhane Ltd., Kollegal, 2019 (4) SCC 376*, decided by Hon'ble Supreme Court on 01.03.2019.

17. This Court has considered the submissions made by both sides.

18. **Maintainability:** The first question to be considered by this Court is, as to whether the review applications are maintainable, considering the fact that SLPs filed by the applicants against the order dated 01.02.2009 had

been dismissed for want of prosecution by the Hon'ble Supreme Court and even the restoration applications were dismissed.

19. Upon considering the rival submissions, this Court finds no merit in the objection as to maintainability. The dismissal of the SLPs in the present case was purely for non-prosecution. Such an order has consistently been held by the Hon'ble Supreme Court to be procedural in nature, and not indicative of the Court's approval or affirmation of the judgment impugned before it. The doctrine of merger does not apply to dismissals for default, or to dismissals by non-speaking orders. In ***Kunhayammed v. State of Kerala (2000) 6 SCC 359***, the Hon'ble Supreme Court clarified that unless leave is granted or a speaking order is passed touching upon the merits, the judgment of the High Court does not merge with the order of the Supreme Court. The judgment in ***Khoday Distilleries (supra)***, as relied by the counsel for applicants reiterates the same principle. Thus, the mere dismissal of the SLPs for want of prosecution does not preclude the applicants from seeking review of the 2009 judgment before this Court. The review applications are, therefore, held to be maintainable.

20. ***Limitation:*** Proceeding further, it is fairly conceded on behalf of the State that similarly situated landowners, whose lands were acquired under the same notification, and who were parties to the same bunch of appeals, have already been held entitled to enhanced compensation first in ***Devinder Singh's case (supra)*** and thereafter, in ***Rajender Singh's case (supra)***. It is also not denied that the lands of the present appellants form part of the very same acquisition.

21. In matters concerning compulsory acquisition of land, the law on condonation of delay has been firmly crystallised by a consistent line of decisions of Hon'ble Supreme Court. Beginning with the celebrated judgment in ***Collector, Land Acquisition, Anand Nag & Nr. Vs. Mst. Katiji & Ors, (1987) 2 SCC 107***, wherein Hon'ble Supreme Court has held that a justice-oriented and liberal approach must be adopted while considering delay applications, especially where valuable property rights of landowners are at stake. The

Court cautioned that technicalities should not be allowed to defeat substantial justice, and that a litigant does not ordinarily stands to benefit by lodging his claim belatedly.

22. In ***Dhiraj Singh (D) through LRs etc. v. State of Haryana & Ors.***, (2014) 14 SCC 127; and in ***Market Committee, Hodal v. Krishan Murari & Ors.***, (1996) 1 SCC 311, long delays, running into several thousand days, were condoned precisely to maintain parity between similarly situated landowners. Likewise, in ***Huchanagouda v. Assistant Commissioner & LAO***, (2020) 19 SCC 234, while condoning long delays, Hon'ble Supreme Court balanced the equities by denying interest for the delayed period. The constitutional dimension of the right to just compensation under Article 300-A has been emphasised in ***Delhi Air Tech Services Pvt. Ltd. v. State of U.P. & Anr.***, 2022 SCC Online SC 1408, read with ***Coffee Board, Karnataka v. Commissioner of Commercial Tax***, (1988) 3 SCC 263, which underscores that deprivation of private property must always be accompanied by fairness and just compensation. The most recent reiteration of these principles is found in ***Suresh Kumar v. State of Haryana & Ors.*** (2025 INSC 550), where Hon'ble Supreme Court reiterated that delay alone cannot deprive a landowner of compensation that is otherwise lawfully due.

23. Applying these principles, it is evident that the delay in the present case cannot be viewed as deliberate or mala fide. If the delay is not condoned, it would create a wholly anomalous situation, where landowners from the same acquisition would receive different compensation for identical lands, thereby offending the principles of fairness, parity and equality, which forms the backbone of land acquisition jurisprudence. The only permissible way to balance equities, as recognised repeatedly by Hon'ble Supreme Court, is to deny interest for the period of delay, which the appellants have already agreed to bear.

24. In view of the above discussion, the delay of different periods in filing these review petitions deserve to be and is hereby condoned, subject to

the condition that the appellants shall not be entitled to any interest on the enhanced compensation for the said period of delay.

25. **Merits of the Case:** Turning now to the merits of the review application, it is not disputed that the land of the appellants is governed by the same set of notifications under Sections 4 and 6, the same award, the same reference proceedings, and the same adjudications by this Court, which culminated in the judgment in **Devinder Singh and others (supra)**. The State has fairly conceded that the judgment in **Devinder Singh's case**, which formed the basis of the order dated 17.11.2015 in the appellants' appeal, has attained finality. Once Hon'ble Supreme Court has, in **Rajender Singh (supra)**, enhanced the compensation for land situated in Bahadurgarh to ₹20,00,000/- per acre; and for other neighbouring villages namely, Bir Barkatbad, Balore and Sarai Aurangabad to ₹15,00,000/- per acre, there is no justification for denying the same benefit to the present appellants, particularly when their land forms part of the same acquisition.

26. In the aforesaid circumstances, the review petition deserves to be allowed. The appellants shall be entitled to enhanced compensation in terms of order Dated 17.11.2017 in Civil Appeal No.19354 of 2017, titled **Rajender Singh and others v. State of Haryana**, along with all statutory benefits admissible under the Land Acquisition Act, 1894, except that they shall not be entitled to any interest for the delayed period, as mentioned in their respective applications for condonation of delay, in terms of the order passed hereinabove while condoning the delay.

27. The appeals are accordingly allowed in these terms, and the review petitions stand disposed of.

02.12.2025
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether reportable	No

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