

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RA-RF No. _____ of 2018

In

RFA No. 4648 of 2014

I N D E X

Nirmal Singh & Others State of Haryana & Others	<u>Sr. No.</u>	<u>PARTICULARS</u>	<u>DATE</u>	<u>PAGE</u>	<u>C. FEE</u>
	1.	Urgent Form	26.03.2018	A	2.65
	2.	Court Fee	26.03.2018	B	0.00
	3.	Application for condonation of delay	26.03.2018	1-3	2.65
	4.	Affidavit in support	26.03.2018	4	0.00
	5.	Application 151 CPC	26.03.2018	5-6	2.65
	6.	Affidavit in support	26.03.2018	7	0.00
	7.	Review Application	26.03.2018	8-12	2.65
	8.	Affidavit in support	26.03.2018	13	0.00
	9.	Amended Memo of Parties	26.03.2018	14-15	2.65
	10.	<u>ANNEXURE:</u>			
	A-1:	Order of Apex Court	27.10.2017	16-48	5.25
	A-2:	Order of Apex Court	23.02.2018	49	5.25
	A-3:	Order of High Court	21.12.2017	50-51	2.65
	A-4:	Aadhar Cards	----	52-55	2.60
	11.	Power of Attorney	Already On Record		
			Total=		31.00

Place: Chandigarh

Dated: 26.03.2018

[SURESH KUMAR KAUSHIK]
ADVOCATE
COUNSEL FOR THE APPLICANTS-APPELLANTS

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM No. _____ of 2018

In RA-RF No. _____ of 2018

In RFA No. 4648 of 2014

Nirmal Singh & Others

... Applicants-Appellants

VERSUS

State of Haryana & Others

... Respondents

Application under Section 5 of the Limitation
Act for condonation of delay of 818 days, in
filing the present second review application.

RESPECTFULLY SHOWETH:

1- That the abovesaid application was filed before this Hon'ble Court and appellants-applicants are very hopeful of its success on the basis of grounds taken therein.

2- That it is humbly submitted that since number of reference were pending of the same village. The claims of landowners under Section 18 of the Land Acquisition Act were dismissed by the Reference Court vide judgment dated 17.12.2013. Thereafter, this Hon'ble Court though maintained the assessment as regard the land abutting the road upto the depth of 2 acres @ Rs.33,00,000/- per acre but the compensation qua the land situated beyond 2 was enhanced from Rs.18,00,000/- per acre to Rs.24,75,000/- per acre, vide order & judgment dated 22.12.2015 rendered in "RFA No.1515 of 2014 titled as Harijan Cooperative Society Ltd. Vs. State of Haryana & Another" alongwith other connected matters.

3- That it is pertinent to mention here that the land of present applicants-appellants was abutted the road upto the depth of 2 acres and their case bearing RFA No. 4648 of 2014 was

also decided on 22.12.2015 in terms of above said RFA bearing No. 1515 of 2014. Aggrieved this, the present applicants again approached this Hon'ble Court vide Review Application bearing No. 154-CI of 2016, which was also dismissed by this Hon'ble Court on 24.09.2016.

4- That in the meantime, out of this bunch matter some landowners approached to the Hon'ble Apex Court and their appeals has been partly allowed and enhanced the compensation. Thereafter, the present applicants-appellants have also approached to the Hon'ble Apex Court vide SLP (Civil) Diary No. 38817 of 2017 in a bunch for same relief which was granted to other landowners, but the same has been withdrawn by their counsel vide order dated 23.02.2018.

It is humbly submitted, due to the reasons mentioned hereinabove now the present applicants-appellants are approached this Hon'ble Court by filing present second review application, so due to which the said delay of 818 days has been occurred but the same is neither intentional, nor deliberate.

5- That for sake of brevity, the grounds of review application could not be repeated here, which may kindly be read as part & parcel of this application also. Hence, the present application.

It is, therefore, respectfully prayed that the present application may kindly allowed and delay of 818 days in filing the

present second review application may kindly be condoned, in the interest of justice.

Place: Chandigarh

Dated: 26.03.2018

[SURESH KUMAR KAUSHIK]
ADVOCATE
COUNSEL FOR APPLICANTS-APPELLANTS

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM No. _____ of 2018

In RA-RF No. _____ of 2018

In RFA No. 4648 of 2014

Nirmal Singh & Others

... Applicants-Appellants

VERSUS

State of Haryana & Others

... Respondents

Affidavit of Palvinder Singh S/o S. Lakhbir Singh R/o
Village Rampura, Tehsil Safidon, District Jind, Haryana.

I, the above named deponent, do hereby solemnly
affirm and declare as under:-

1. That accompanying application has been drafted by our
counsel, on my instructions. Contents of the same has been
read over and explained to me in Hindi/punjabi, which we
understand and admit to be correct. The contents of
accompanying application may kindly be read as part of this
affidavit. For the sake of brevity, contents of accompanying
application have not been reproduced herein.

Place: Chandigarh

(PALVINDER SINGH)
DEPONENT

Dated: 26.03.2018

VERIFICATION:-

Verified that the contents of my above affidavit are
true and correct to my knowledge and no part of it is false and
nothing has been concealed therein.

Place: Chandigarh

(PALVINDER SINGH)
DEPONENT

Dated: 26.03.2018

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM No. _____ of 2018

In RA-RF No. _____ of 2018

In RFA No. 4648 of 2014

Nirmal Singh & Others

... Applicants-Appellants

VERSUS

State of Haryana & Others

... Respondents

Application under Section 151 of CPC to correct the name of appellant No.4 from Sukhwinder Singh to Sukhjinder Singh and father's name of appellant No.3 & 4 from Lakhwinder Singh to Lakhbir Singh in the record of above said RFA and taken on record the amended memo of parties.

RESPECTFULLY SHOWETH:

1- That the abovesaid application has filed before this Hon'ble Court by the applicants-appellants and the applicants are very hopeful of its success, on the basis of grounds taken therein.

2- That at the time of filing of above said appeal before this Hon'ble Court, inadvertently; the name of appellant No.4 has wrongly written as Sukhwinder Singh instead of Sukhjinder Singh and father's name of the appellants No.3 & 4 has been wrongly written as Lakhwinder Singh instead of Lakhbir Singh, by seen the impugned judgment dated 17.12.2013 passed by the learned A.D.J., Jind.

It is pertinent to mention here that as per the record i.e. Aadhar Card of the appellants No.3 & 4, the correct name of appellant No.4 is Sukhjinder Singh and correct father's name of appellants No.3 & 4 is Lakhbir Singh. The true photostat copies of Aadhar Cards of appellants No. 3 & 4 are attached herewith as **Annexure A-4.**

Amended memo of parties is attached herewith.

3- That if the above said names are not correct then the appellants-applicants will suffer irreparable loss & injury, which cannot be compensated in any manner.

It is, therefore, respectfully prayed that, the present application may kindly be allowed and correct the name of appellant No.4 from Sukhwinder Singh to Sukhjinder Singh and father's name of appellant No.3 & 4 from Lakhwinder Singh to Lakhbir Singh in the record of above said RFA and taken on record the amended memo of parties, in the interest of justice.

It is further prayed that the applicants-appellants may kindly be exempted from filing the certified copies of Annexure A-4 and permitted to place on record the photostat copies of the same, in the interest of justice.

Note: Affidavit is attached alongwith this application.

Place: Chandigarh

Dated: 26.03.2018

[SURESH KUMAR KAUSHIK]
ADVOCATE
COUNSEL FOR APPLICANTS-APPELLANTS

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM No. _____ of 2018

In RA-RF No. _____ of 2018

In RFA No. 4648 of 2014

Nirmal Singh & Others

... Applicants-Appellants

VERSUS

State of Haryana & Others

... Respondents

Affidavit of Palvinder Singh S/o S. Lakhbir Singh R/o
Village Rampura, Tehsil Safidon, District Jind, Haryana.

I, the above named deponent, do hereby solemnly
affirm and declare as under:-

1. That accompanying application has been drafted by our
counsel, on my instructions. Contents of the same has been
read over and explained to me in Hindi/Punjabi, which we
understand and admit to be correct. The contents of
accompanying application may kindly be read as part of this
affidavit. For the sake of brevity, contents of accompanying
application have not been reproduced herein.

Place: Chandigarh

(PALVINDER SINGH)
DEPONENT

Dated: 26.03.2018

VERIFICATION:-

Verified that the contents of my above affidavit are
true and correct to my knowledge and no part of it is false and
nothing has been concealed therein.

Place: Chandigarh

(PALVINDER SINGH)
DEPONENT

Dated: 26.03.2018

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RA-RF No. _____ of 2018

In RFA No. 4648 of 2014

Nirmal Singh & Others

... Appellants

VERSUS

State of Haryana & Others

... Respondents

Second Review Application under Order 47 Rule 1 of CPC read with Section 151 of CPC for review the order dated 22.12.2015 passed by this Hon'ble Court in above said RFA, in view of judgment dated 27.10.2017 passed by the Hon'ble Apex Court in Civil Appeal No. 2846 of 2017, titled as Bijender & Others Vs. State of Haryana & Another.

RESPECTFULLY SHOWETH:

1- That the abovesaid application has filed before this Hon'ble Court by the applicants-appellants and the applicants are very hopeful of its success, on the basis of grounds taken therein.

2- That it is humbly submitted that since number of reference were pending of the same village. The Land Acquisition Collector had assessed the value of the acquired land upto the depth of 2 acres from the road @ Rs.33,00,000/- per acre and the land situated beyond 2 acres was evaluated @ Rs.18,00,000/- per acre. However the claims of landowners under Section 18 of the Land Acquisition Act were dismissed by the Reference Court vide judgment dated 17.12.2013.

3- That aggrieved this, the landowners like the applicants-appellants approached to this Hon'ble Court and this Hon'ble Court though maintained the assessment as regard the land abutting the road upto the depth of 2 acres @ Rs.33,00,000/- per acre but the compensation qua the land situated beyond 2 was enhanced from Rs.18,00,000/- per acre to Rs.24,75,000/- per acre, vide order & judgment dated 22.12.2015 rendered in "RFA No.1515 of 2014 titled as Harijan Cooperative Society Ltd. Vs. State of Haryana & Another" alongwith other connected matters.

It is pertinent to mention here that the land of present applicants-appellants was abutted the road upto the depth of 2 acres and their case bearing RFA No. 4648 of 2014 was also decided on 22.12.2015 in terms of above said RFA bearing No. 1515 of 2014. So the compensation awarded by the L.A.O. @ Rs.33,00,000/- per acre to the present applicants was affirmed by this Hon'ble Court. Aggrieved this, the present applicants again approached this Hon'ble Court vide Review Application bearing No. 154-CI of 2016, which was also dismissed by this Hon'ble Court on 24.09.2016.

4- That in the meantime, out of this bunch matter some landowners approached to the Hon'ble Apex Court and their appeals bearing "Civil Appeal No. 2846 of 2017, titled as Bijender & Others Vs. State of Haryana & Another" alongwith other connected matters has been partly allowed and enhanced the compensation regarding the land upto the depth of 2 acres from

the main road to Rs.45,00,000/- per acre and the land situated beyond 2 acres was assessed @ Rs.35,00,000/- per acres, vide judgment dated 27.10.2017. The true photostat copy of judgment dated 27.10.2017 is attached herewith as **Annexure A-1**.

5- That despite the aforesaid position on their resources; the present applicants-appellants have also approached to the Hon'ble Apex Court vide SLP (Civil) Diary No. 38817 of 2017 in a bunch for same relief which was granted to other landowners, but the same has been withdrawn by their counsel vide order dated 23.02.2018. The true photostat copy of judgment dated 23.02.2018 is attached herewith as **Annexure A-2**.

6- That now the present applicants-appellants knew from some sources that some landowners approached this Hon'ble Court vide "RFA No. 5428 of 2017 titled as Rajiv & Another Vs. State of Haryana & Others" which was disposed of by this Hon'ble Court in terms of above said Bijender's case passed by the Hon'ble Apex Court, vide judgment dated 21.12.2017 and granted same compensation to them. The true photostat copy of judgment dated 21.12.2017 is attached herewith as **Annexure A-3**.

7- That now the present applicants-appellants are again seeking to approach this Hon'ble Court by filing the instant second Review Application on the following grounds:

- (a) That certain subsequent event has not taken places which has direct nexus to the issue at hand namely; grant of enhancement of

compensation, in subsequent to passing the order dated 22.12.2015.

- (b) That the judgment under review suffers from the errors which are apparent from the record namely; non-consideration of the correct potential of the value of land having regard to factors like location of the acquired land, its surrounding nature, potentiality, purpose of acquisition, non-availability of sale deeds for large areas sold in acres, which has been considered by Hon'ble Apex Court for the present acquisition in so far as other landowners are concerned.
- (c) That the principle followed in grant of compensation to each landowner; who has lost his land under the same acquisition, should be same, even if large delays in claiming the compensation.

8- That the appellants-claimants have not filed any such or similar application earlier in this Hon'ble High Court or before the Hon'ble Supreme Court of India except RA-RF No. 154-CI of 2016.

It is, therefore, respectfully prayed that the present second review application may kindly be accepted and reviewed judgment dated 22.12.2017 passed by this Hon'ble Court in above

said RFA be reviewed in view of judgment dated 27.10.2017 passed by the Hon'ble Apex Court in Civil Appeal No. 2846 of 2017, titled as Bijender & Others Vs. State of Haryana & Another, in the interest of justice.

It is further prayed that the applicants-appellants may kindly be exempted from filing certified copies of Annexure A-1 to A-3 and permitted to place on record the fare photostat copies of the same, in the interest of justice.

Note: Affidavit is attached alongwith this application.

Place: Chandigarh

Dated: 26.03.2018

[SURESH KUMAR KAUSHIK]
ADVOCATE
COUNSEL FOR APPLICANTS-APPELLANTS

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RA-RF No. _____ of 2018

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Nirmal Singh & Others

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Affidavit of Palvinder Singh S/o S. Lakhbir Singh R/o

Village Rampura, Tehsil Safidon, District Jind, Haryana.

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1. That accompanying application has been drafted by our counsel, on my instructions. Contents of the same has been read over and explained to me in Hindi/Punjabi, which we understand and admit to be correct. The contents of accompanying application may kindly be read as part of this affidavit. For the sake of brevity, contents of accompanying application have not been reproduced herein.

Place: Chandigarh

(PALVINDER SINGH)
DEPONENT

Dated: 26.03.2018

VERIFICATION:-

Verified that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing has been concealed therein.

Place: Chandigarh

(PALVINDER SINGH)
DEPONENT

Dated: 26.03.2018

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RA-RF No. _____ of 2018

In RFA No. 4648 of 2014

In LAC No. 101 of 2011

Notification U/s 4 dated 23.08.2007

District Jind (Haryana)

Revenue Estate of Village Rampura, Tehsil Safidon, District Jind,
Haryana.

AMENDED MEMO OF PARTIES

- 1- Nirmal Singh S/o S. Kirpa Singh, R/o Village Rampura,
Tehsil Safidon, District Jind, Haryana;
- 2- Harbhajan Singh S/o S. Kirpa Singh, R/o Village Rampura,
Tehsil Safidon, District Jind, Haryana;
- 3- Palvinder Singh S/o Sh. Lakhbir Singh, R/o Village
Rampura, Tehsil Safidon, District Jind, Haryana; and
- 4- Sukhjinder Singh S/o Sh. Lakhbir Singh, R/o Village
Rampura, Tehsil Safidon, District Jind, Haryana.

..... Appellants

V E R S U S

- 1- State of Haryana through Collector, Jind, District Jind.
- 2- Land Acquisition Collector, Haryana Urban Development
Authority (HUDA), Hisar, District Hisar, Haryana.

....Respondents

Kashmir Singh S/o S. Kirpa Singh, R/o Village Rampura,
Tehsil Safidon, District Jind, Haryana.

... Performa Respondent

Place: Chandigarh
Dated: 26.03.2018

[SURESH KUMAR KAUSHIK]
ADVOCATE
COUNSEL FOR THE APPELLANTS

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CM No. _____ of 2018

In RA-RF No. _____ of 2018

In RFA No. 4648 of 2014

Nirmal Singh & Others

... Applicants-Appellants

VERSUS

State of Haryana & Others

... Respondents

COURT FEES

Note: Total Court Fees of Rs.30/- is affixed here.

Place: Chandigarh

Dated: 26.03.2018

[SURESH KUMAR KAUSHIK]

ADVOCATE

COUNSEL FOR THE APPLICANTS-APPELLANTS