

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4119 OF 2014
(Arising out of S.L.P.(C)NO. 19615 OF 2010)

|Bimla Devi & Ors. |.. Appellant(s) |

Versus

|State of Haryana & Anr. |.. Respondent(s) |

WITH

CIVIL APPEAL NO. 4120 OF 2014
(Arising out of SLP(C) No. 19845 of 2010)

CIVIL APPEAL NO. 4121 OF 2014
(Arising out of SLP(C) No. 20178 of 2010)

CIVIL APPEAL NO. 4122 OF 2014
(Arising out of SLP(C) No. 20226 of 2010)

CIVIL APPEAL NO. 4123 OF 2014
(Arising out of SLP(C) No. 20271 of 2010)

CIVIL APPEAL NO. 4124 OF 2014
(Arising out of SLP(C) No. 20683 of 2010)

CIVIL APPEAL NO. 4125 OF 2014
(Arising out of SLP(C) No. 20701 of 2010)

CIVIL APPEAL NO. 4126 OF 2014
(Arising out of SLP(C) No. 6881 of 2011)

CIVIL APPEAL NO. 4127 OF 2014
(Arising out of SLP(C) No. 6943 of 2011)

CIVIL APPEAL NO. 4129 OF 2014
(Arising out of SLP(C) No. 9014 of 2011)

CIVIL APPEAL NO. 4130 OF 2014
(Arising out of SLP(C) No. 8953 of 2011)

CIVIL APPEAL NO. 4131 OF 2014
(Arising out of SLP(C) No. 8829 of 2011)

CIVIL APPEAL NO. 4132 OF 2014
(Arising out of SLP(C) No. 8955 of 2011)

CIVIL APPEAL NO. 4133 OF 2014
(Arising out of SLP(C) No. 8920 of 2011)

CIVIL APPEAL NO. 4134 OF 2014
(Arising out of SLP(C) No. 9015 of 2011)

CIVIL APPEAL NO. 4135 OF 2014
(Arising out of SLP(C) No. 8921 of 2011)

CIVIL APPEAL NO. 4136 OF 2014

(Arising out of SLP(C) No. 8918 of 2011)

CIVIL APPEAL NO. 4137 OF 2014
(Arising out of SLP(C) No. 8919 of 2011)

CIVIL APPEAL NO. 4138 OF 2014
(Arising out of SLP(C) No. 8917 of 2011)

CIVIL APPEAL NO. 4139 OF 2014
(Arising out of SLP(C) No. 9017 of 2011)

CIVIL APPEAL NO. 4140 OF 2014
(Arising out of SLP(C) No. 8001 of 2011)

CIVIL APPEAL NO. 4141 OF 2014
(Arising out of SLP(C) No. 8954 of 2011)

CIVIL APPEAL NO. 4142 OF 2014
(Arising out of SLP(C) No. 8922 of 2011)

CIVIL APPEAL NO. 4143 OF 2014
(Arising out of SLP(C) No. 4117 of 2012)

CIVIL APPEAL NO. 4144 OF 2014
(Arising out of SLP(C) No. 15404 of 2011)

CIVIL APPEAL NO. 4145 OF 2014
(Arising out of SLP(C) No. 9237 of 2011)

CIVIL APPEAL NO. 4146 OF 2014
(Arising out of SLP(C) No. 19534 of 2011)

O R D E R

Civil Appeal arising out of
S.L.P. (C) No. 19615 of 2010

1. Delay condoned.
2. Substitution application(s), if any, is allowed.
3. Leave granted.
4. This appeal is directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in R.A. No.112-CI of 2009 in R.F.A. No. 2051 of 2005, dated 16.03.2010.
5. The State of Haryana issued a notification dated 12.09.2001 under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') for acquisition of land situated within the revenue estate of village Patti Taraf Afgan, Hadbast No.17, Tehsil and District Panipat for the purpose of shifting of dyeing units in Sector-29, Part II, Panipat.

6. After considering the objections that were filed by the land owners, the Government of Haryana had issued a notification dated 01.03.2002 under Section 6 of the Act.

7. The Land Acquisition Collector after considering the claim of the land owners, has quantified the compensation at Rs.3,50,000/- per acre.

8. The land owners, being aggrieved by the compensation so awarded by the Land Acquisition Collector had sought for a reference under Section 18 of the Act before the Reference Court for determination of the fair compensation payable to the land owners.

9. After registering the reference and after recording the evidence of the parties, the Reference Court has quantified the compensation payable at Rs.259.91/- per square yard.

10. Being aggrieved by the compensation awarded by the Reference Court the land owners approached the High Court by filing Regular First Appeals for enhancement of the compensation so awarded by the Reference Court.

11. A bunch of appeals were considered by the High Court and R.F.A. No. 301 of 2005 titled as "Jitender Singh vs. State of Haryana & Anr" was treated as lead case. The High Court in its judgment and order has enhanced the compensation awarded to Rs.15,00,000/- per acre.

12. The appellants in this case preferred R.F.A. No. 2051 of 2005 which was also dismissed vide order dated 25.01.2008 relying on the decision in Jitender Singh's case (supra).

13. Subsequently, some of the land owners preferred Special Leave Petition (C) No.8206 of 2007 before this Court against the judgment and order passed in Jitender Singh's case (supra). This Court dismissed the Special Leave Petition (C) No. 8206 of 2007. Thereafter, the land owners who approached before this Court preferred review application before the High Court. The High Court allowed the review application filed by the land owners and enhanced the compensation to Rs.16,08,000/- per acre.

14. The applicants/appellants before us had also preferred an application before the High Court with a request to review the order passed in R.F.A. No.2051 of 2005, dated 25.01.2008. There was a delay of 525 days in filing the Review Petition.

15. The High Court in its impugned judgment and order has rejected the application for condonation of delay preferred by the appellant and opined that that the delay in filing the review petition was not properly explained, resultantly, dismissed the review petition.

16. Heard learned counsel for the parties to the lis.

17. We have carefully perused the application for condonation of delay filed by the land owners along with the review petition. In our considered opinion, the delay in filing the review petition is properly explained by the land-owners. Even otherwise also, the applicants/ appellants are seeking parity in payment of compensation that was awarded to the other land-owners whose lands have been acquired under the same notification. It is the immovable property rights of the land owners and they should be paid a just and a fair compensation which the others land owners have received and it may not be proper for the Courts to deny the claim made by the land owners.

18. In view of the above, while disposing of the civil appeal we

condone the delay in filing the review petition before the High Court and remand the matter back to the High Court to re-consider the matter with a request to the High Court to dispose of the same on merits as expeditiously as possible, at any rate within six months time from the date of receipt of copy of this Court's order.

19. All the contentions of both the parties are kept open.

Ordered accordingly.

CIVIL APPEAL NO. 4120 OF 2014
(Arising out of SLP(C) No. 19845 of 2010)

CIVIL APPEAL NO. 4121 OF 2014
(Arising out of SLP(C) No. 20178 of 2010)

CIVIL APPEAL NO. 4122 OF 2014
(Arising out of SLP(C) No. 20226 of 2010)

CIVIL APPEAL NO. 4123 OF 2014
(Arising out of SLP(C) No. 20271 of 2010)
CIVIL APPEAL NO. 4124 OF 2014
(Arising out of SLP(C) No. 20683 of 2010)

CIVIL APPEAL NO. 4125 OF 2014
(Arising out of SLP(C) No. 20701 of 2010)

CIVIL APPEAL NO. 4126 OF 2014
(Arising out of SLP(C) No. 6881 of 2011)

CIVIL APPEAL NO. 4127 OF 2014
(Arising out of SLP(C) No. 6943 of 2011)

CIVIL APPEAL NO. 4129 OF 2014
(Arising out of SLP(C) No. 9014 of 2011)

CIVIL APPEAL NO. 4130 OF 2014
(Arising out of SLP(C) No. 8953 of 2011)

CIVIL APPEAL NO. 4131 OF 2014
(Arising out of SLP(C) No. 8829 of 2011)

CIVIL APPEAL NO. 4132 OF 2014
(Arising out of SLP(C) No. 8955 of 2011)

CIVIL APPEAL NO. 4133 OF 2014
(Arising out of SLP(C) No. 8920 of 2011)

CIVIL APPEAL NO. 4134 OF 2014
(Arising out of SLP(C) No. 9015 of 2011)

CIVIL APPEAL NO. 4135 OF 2014
(Arising out of SLP(C) No. 8921 of 2011)

CIVIL APPEAL NO. 4136 OF 2014
(Arising out of SLP(C) No. 8918 of 2011)

CIVIL APPEAL NO. 4137 OF 2014
(Arising out of SLP(C) No. 8919 of 2011)

CIVIL APPEAL NO. 4138 OF 2014
(Arising out of SLP(C) No. 8917 of 2011)

CIVIL APPEAL NO. 4139 OF 2014
(Arising out of SLP(C) No. 9017 of 2011)

CIVIL APPEAL NO. 4140 OF 2014
(Arising out of SLP(C) No. 8001 of 2011)

CIVIL APPEAL NO. 4141 OF 2014
(Arising out of SLP(C) No. 8954 of 2011)

CIVIL APPEAL NO. 4142 OF 2014
(Arising out of SLP(C) No. 8922 of 2011)

CIVIL APPEAL NO. 4143 OF 2014
(Arising out of SLP(C) No. 4117 of 2012)

CIVIL APPEAL NO. 4144 OF 2014
(Arising out of SLP(C) No. 15404 of 2011)

CIVIL APPEAL NO. 4145 OF 2014
(Arising out of SLP(C) No. 9237 of 2011)

CIVIL APPEAL NO. 4146 OF 2014
(Arising out of SLP(C) No. 19534 of 2011)

1. Delay condoned.
2. Substitution application(s), if any, are allowed.
3. Leave granted.
4. In view of the order passed in Civil Appeal arising out of Special Leave Petition (C) No. 19615 of 2010 these appeals are disposed of in the same terms, observations and directions.

Ordered accordingly.

.....J.
[H.L. DATTU]

.....J.
[S.A. BOBDE]

NEW DELHI,
MARCH 26, 2014.

ITEM NO. 2

COURT NO.3

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19615/2010

(From the judgement and order dated 16/03/2010 in RFA No.2051/2005,RA No.112/2009 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BIMLA DEVI & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ANR
(With office report)

Respondent(s)

WITH SLP(C) NO.19845/2010,20178/2010,20226/2010,
20271/2010,20683/2010, 20701/2010,6881/2011,
6943/2011,9014/2011,8953/2011, 8829/2011,
8955/2011,8920/2011,9015/2011,8921/2011,
8918/2011, 8919/2011,8917/2011,9017/2011,
8001/2011,8954/2011,8922/2011, 4117/2012,
15404/2011,9237/2011,19534/2011)

Date: 26/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)/ Mr. V. Giri, Sr. Adv.

Respondent(s)

Mr. A.V. Palli, Adv.
Mrs.Rekha Palli,Adv.
Mr.Anupam Raina, Adv.

Mr. Narender Hooda, Sr. Adv.AAG
Dr. Monika Gusain,Adv.

Mr. Manjit Singh, Addl.Adv. Gen.
Mrs. Vivekta Singh, Adv.
Mrs. Nupur Chaudhary, Adv.
Mr. Tarjit Singh Chikkara, Adv.
Mr. Kamal Mohan Gupta, Adv.

Ms. Naresh Bakshi, Adv.

Dr. Sukhdev Sharma, Adv.
Mr. V.K. Vasdev, Adv.
Mr. Shubham Agarwal, Adv.

..2/-

2

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.
Leave granted.
Substitution application(s), if any, is allowed.
The appeal is disposed of in terms of the signed order.

Rest of the matters

Delay condoned.

Leave granted.

Substitution application(s), if any, are allowed.

In view of order passed in civil appeal arising out of SLP(C)
No. 19615 of 2010 the appeals are disposed of in the same terms,
observations and directions.

	[Charanjeet Kaur]		[Vinod Kulvi]	
Court Master		Asstt. Registrar		

[Signed order is placed on the file]
