
(2019) 11 P&H CK 0011

In the Punjab And Haryana At Chandigarh

Case No : Review In Cwp No. 115 Of 2018 In Civil Writ Petition No. 1493 Of 2016

Mange Ram And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 01-11-2019

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 5A, 6

Citation : (2019) 11 P&H CK 0011

Hon'ble Judges : Daya Chaudhary, J;Gurvinder Singh Gill, J

Bench : Division Bench

Advocate : Hardeep Singh Dhillon, Vikram Singh, Ankur Mittal

Final Decision : Dismissed

Judgement

Daya Chaudhary, J

CM No.6122-CWP of 2018

This application is for placing on record Annexure A/1. Application is allowed and Annexure A/1 annexed with the application is taken on record.

RA-CW No. 115 of 2018

Applicant-petitioners filed CWP No.1493 of 2016 for quashing of notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short - "the Act") as well as the award passed by the Land Acquisition Collector, which was dismissed by this Court vide judgment/order dated 08.11.2017 by holding that the petitioners did not have any locus standi to challenge the acquisition proceedings as the same were completed after announcement of the award by the Collector and the petitioners had received compensation and the petition was filed after a period of more than 6 years of passing of the award.

Now the present review application has been filed on the ground that pick and choose policy has been adopted by the respondent-authorities while releasing land of some of the persons, whose land was acquired but claim of the applicant

has not been considered. Applicant had constructed residential house upon the acquired land before issuance of Section 4 notification and he is also entitled for equal treatment. Applicant also filed objections under Section 5A of the Act but those objections were neither considered nor decided.

Learned counsel for the applicant also submits that no decision has been communicated to the applicant-petitioners in spite of making request on various occasions. He also submits that the applicant-petitioners never received any compensation. At the end, learned counsel for the applicant submits that liberty has been given by Hon'ble the Apex Court in SLP No.6293 of 2018 filed by him to approach this Court by seeking remedy of review.

Learned State counsel has opposed the submissions made by learned counsel for the applicant-petitioners on the ground that the writ petition was filed after a delay of 6 years and the petitioners have received the amount of compensation. It has wrongly been mentioned by the applicant-petitioners that objections filed under Section 5A of the Act were not considered, whereas such objections were dismissed.

Heard arguments of learned counsel appearing for the parties. We have also perused judgment/order passed by this Court on 08.11.2017 as well as the order passed by Hon'ble the Apex Court.

Admittedly, the respondent-authorities issued notifications under Section 4 and 6 of the Act. While issuing said notifications on 11.07.2006 and 16.07.2007 respectively, the award was announced by the Land Acquisition Collector on 23.06.2009. Said writ petition was filed by the petitioners in the year 2016 after a delay of more than 6 years and the writ petition was dismissed on 08.11.2017 on the ground that acquisition proceedings had been completed after announcement of award by the Collector and the petitioners had also received compensation. The petition was also dismissed on the ground of delay as said petition was filed after a period of six years after passing of the award by the Collector. It appears that the applicant has wrongly mentioned this fact before this Court in the review application that no compensation was received by him, whereas he had received the compensation as submitted by the State counsel as specifically mentioned in order dated 08.11.2017. It is also mentioned in para No.22 of the reply filed on behalf of District Revenue Officer-cum-Land Acquisition Collector that petitioner No.1 has received the amount of compensation vide cheque No.492968 dated 04.03.2014, whereas petitioner No.2 has received the amount of compensation vide cheque No.492969 dated 04.03.2014. No replication to the reply/written statement has been filed by the applicant/petitioners. On putting a query to learned counsel appearing for the applicant-petitioners, nothing has been pointed out as to when the objections under Section 5A of the Act were filed as neither it is a part of the review application nor any other document has been shown to the Court during arguments. The review application has been filed on wrong grounds by concealing certain facts.

Review is not rehearing of the original case and power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. The scope of power of review is very limited and it is to be confined strictly only to the errors which are apparent on the face of record. In case the arguments raised in the review application have been dealt with in the judgment passed, the party is at liberty to challenge the impugned judgment. It is no ground of discovery of new and important facts which were not raised at the time of arguing the case before this Court or certain facts which were not in the knowledge of the applicant at the time of hearing of the case before this Court. The power of review can be exercised in case the Court is satisfied that there is an error apparent on the face of the order, which has resulted into miscarriage of justice or some error is there which is said to be material in nature.

Accordingly, keeping in view the facts as mentioned above, no ground is made out to review judgment dated 08.11.2017 and the present review application is dismissed.