

Date of Decision: 15.3.2013 Vs. Vs.

Date of Decision: 15.3.2013 Vs. Vs.

SooperKanoon Citation : sooperkanoon.com/1060506

Court : Punjab and Haryana

Decided On : Mar-15-2013

Appellant : Date of Decision: 15.3.2013

Respondent : Vs.

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Date of decision:

15. 3.2013 RA No.14-CI of 2013 in RFA No.1073 of 1998 Sat Parkash and anotherAppellants versus State of Haryana and othersRespondents
CORAM: - HONBLE Mr.JUSTICE HEMANT GUPTA Present: - Mr.Ramesh Hooda, Advocate for the appellants.....The applicant-appellants have filed the present application pointing out that the land which is subject matter of the present appeal is acquired vide notification dated 20.8.1992 under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act').whereas the land which is subject matter of dispute out of which R.F.A.No.3497 of 1993 is acquired vide notification dated 26.12.1988 of the Act.

Therefore, the compensation awarded arising out of earlier acquisition cannot be awarded for the subsequent notification.

The notice of the aforesaid application was issued to the Advocate General, Haryana.

The office was also directed to explain as to why the appeal arising out of notification dated 20.08.1992 were listed alongwith R.F.A.No.3497 of 1993.

The office has explained the position and pointed out that, in fact, the counsel for the appellants has made a mention at the time of hearing of the present appeal alongwith connected cases on 30.10.2009 that the said bunch of appeals should be appropriately decided -2- alongwith R.F.A.No.3497 of 1993.

The order passed on 30.10.2009 reads as under : "Learned counsel for the appellants submits that since these connected cases have been decided on the basis of the award Ex.RY, against which RFA No.3497 of 1993 is already pending in the Court of Hon'ble Mr.Justice Hemant Gupta for 04.11.2009 and arguments have been partly heard, therefore, it would be expedient in the interest of justice that these appeals be also heard alongwith the aforementioned appeals.

Put up alongwith RFA No.3497 of 1993 on 04.11.2009 after obtaining orders from Hon'ble the Chief Justice."

In view of the said fact, it is apparent that the order in appeal in respect of which the appellants has sought review was listed before this Court on an argument raised by the appellants.

The appellants have not pointed out any distinguishing factor at the time of arguments of the aforesaid appeal either in respect of location or quality of the land.

In view of the above, I do not find any error apparent on record, which may warrant review or modification of the order.

Dismissed.

(HEMANT GUPTA) JUDGE 15 3.2013 preeti

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com