

(2006) 05 P&H CK 0195
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2197 of 2005

Amritsar Pharmaceutical Laboratories	Vs	APPELLANT
Avtar Singh and Others		RESPONDENT

Date of Decision : 24-05-2006

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10
Land Acquisition Act, 1894 — Section 18, 50, 50(1), 50(2)

Citation : (2006) 144 PLR 510 : (2006) 3 RCR(Civil) 788

Hon'ble Judges : Pritam Pal, J

Bench : Single Bench

Advocate : B.R. Mahajan, for the Appellant; S.K. Garg Narwana, D.S. Jandiala, Addl. A.G., Karan Mehta and Manish Bansal, for the Respondent

Final Decision : Dismissed

Judgement

Pritam Pal, J.—By this common order, two Revision Petitions, bearing Civil Revision No. 2197 of 2005 Amritsar Pharmaceutical Laboratories v. Avtar Singh and Ors. and Civil Revision No. 2324 of 2005 Amritsar Pharmaceutical Laboratories v. Kanwaljit Singh and Ors. are being disposed of as both arise from one and the same impugned order dated 22.2.2005 whereby, applications filed by the petitioners under Order 1 Rule 10 for being impleaded as a party in the two references filed u/s 18 of the Land Acquisition Act (hereinafter referred to as "the Act") pending in the Court of Shri Vivek Puri, Additional District Judge, Amritsar, have been dismissed.

2. Without going into any details, suffice it to say that some land, for expansion of Industrial Focal Point at Vallah and Khankot, Tehsil and District Amritsar, was acquired by the Government of Punjab at the instance and for the benefit of respondent-Small Scale Industry and Export Corporation Limited (hereinafter referred to as "the Corporation"). The compensation of the land, as assessed by the Collector has been paid to the land-owners/claimants-respondents, who being dis-satisfied with the same, filed their respective references u/s 18 of the

Act. During the pendency of the said References, applicant-petitioners, to whom plots have been given further by the Corporation for setting up industries, moved applications under Order 1 Rule 10 for being impleaded as party to the References. Their applications were contested by the respondents on the ground that they were not the parties to the land acquisition proceedings and as such, they cannot be termed as interested party in the References moved u/s 18 of the Act by the land-owners for enhancement of the compensation.

3. Learned Additional District Judge, after hearing learned Counsel for the parties, dismissed the applications moved by the petitioners under Order 1 Rule 10 C.P.C. This is how feeling aggrieved with the dismissal of respective applications of the petitioners that they have filed these two above mentioned Revision Petitions.

I have heard learned Counsel for the parties.

4. The only contention raised on behalf of the petitioners is that the petitioners being the allottees of plots have every right to be impleaded as party in the aforesaid References pending before the learned Additional District Judge, Amritsar inasmuch as it is they, who will have to ultimately pay the enhanced amount of compensation, if any, awarded by the Court, as per terms and conditions of allotment letter, given by the Corporation. In support of his this contention, learned Counsel for the petitioners has also relied upon *Udmi and Ors. v. State of Haryana and Anr.* (2002) 132 P.L.R. 381, *Union of India (UOI) Vs. Sher Singh and Others*, and *Union of India v. Kartar Singh and Ors.* (2000) 135 P.L.R. 23.

5. On the other hand, learned Counsel for the Corporation has repelled the aforesaid point of arguments raised of behalf of the petitioners and has also relied upon *Prem Chand Vs. State of Haryana*, . In paragraph 6 of this judgment, relied upon by learned Counsel for the Corporation, it has been observed by his Lordship as under:

6. Under the scheme of the Act, land can be acquired by the State Government for a public purpose which includes acquisition for a local authority of a Corporation owned or controlled by the State Government or for the benefit of a company. u/s 50(1) of the Act, it is contemplated that where the land is being acquired at the cost of any fund controlled or managed by a local authority or of any company, the charges of any incidental to such acquisition shall be defrayed from or by such fund or company. Since the charges are to be defrayed by or from the fund of such local authority or a company, Sub-section (2) of Section 50 of the Act contemplates that such local authority or a company may appear before the Collector or the Court and adduce evidence for the purposes of determining the amount of compensation. It is provided that no such local authority or company shall be entitled to demand a reference u/s 18 of the Act. It is, thus, apparent that the local authority or a company, who is to defray the expenses of acquisition alone can appear and adduce evidence for the purposes

of determination of compensation and not a total stranger to the acquisition, such as the applicants. The applicants are neither the owner nor acquisition has been made for the benefit of the applicant's co-operative society. The acquisition is for the benefit of a local authority i.e. Haryana Urban Development Authority, a local authority under the Haryana Urban Development Authority Act, 1977. It is that authority alone who is to defray the expenses on acquisition in terms of Section 50 of the Act and is entitled to adduce evidence for the purposes of determining the amount of compensation.

In this ruling, His Lordship has also discussed the aforesaid rulings cited by learned Counsel for the petitioners.

6. After going through the aforesaid rulings relied upon by the parties, it is made out that where the land has been acquired by the State for the benefit of a Company, only that company is an interested person and as such is the necessary party and none else. Herein, in the instant case, the petitioners are the subsequent allottees of the plots which were given to them (petitioners) by the Corporation for whose benefit, the land was acquired by the State of Punjab.

7. Here, it will be relevant to observe that if such like subsequent allottees are allowed to be impleaded as necessary parties by the Reference Court, then, I feel, it will open flood gates of litigation for the landowners/claimants and, as such, they would not be able to get their references for enhancement of compensation u/s 18 of the Act decided expeditiously.

8. Thus, taking an over all view of the facts and circumstances, as discussed above, I find no jurisdictional error or any illegality in the impugned order. Accordingly, these Revision Petitions stand dismissed.