
(1984) 07 P&H CK 0005

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 521 of 1982

Central Warehousing Corporation and another

APPELLANT

Vs

Sh. Amar Nath and others

RESPONDENT

Date of Decision : 09-07-1984

Acts Referred:

Land Acquisition Act, 1894 — Section 50

Citation : (1984) 07 P&H CK 0005

Hon'ble Judges : I.S. Tiwana, J

Bench : Single Bench

Advocate : R.C. Setia, for the Appellant; H.L. Sarin with Mr. M.L. Sarin and Mr. B.S. Sidhu, A.G. Punjab, for the State, for the Respondent

Final Decision : Dismissed

Judgement

I.S. Tiwana, J.—These eleven appeals (R.F.A. Nos. 521,525, 526,527,528, 529,530, 531,532,533 and 534 of 1982) preferred by the Central Warehousing Corporation against the award of the Land Acquisition Court, Gurdaspur, determining the market value of the land acquired for the purposes of the Corporation can conveniently be disposed of in the light of the short legal objection raised by the land-owner/claimants about the locus-standi of the Corporation to file these appeals. In a nutshell, the objection of the landowner/claimants is that in view of the provisions of Section 50 of the Land Acquisition Act, 1894 (for short, the Act), the Corporation has no locus-standi to prefer these appeals. In support of this objection of his, their Learned Counsel places firm reliance on the latest full bench decision of this Court in Kulbhushan Kumar & Co v. The State of Punjab (1983) 85 P. L. R. 768., affirming an earlier full bench in M/s. Indo Swiss Time Ltd. v. Umrao (1981) 83 P. L. R. 335. Having perused those decisions I find that there is no alternative open except to non-suit the Corporation in the light of the above-noted objection.

2. Mr. Setia, appearing for the Appellant-Corporation, however, urges with some amount of vehemence that since the Corporation was impleaded as one of the

Respondent in the lower Court by the land owner/claimants themselves, the Corporation being a party to these proceedings is well-entitled to prefer these appeals. I see no merit in this stand of the Learned Counsel, firstly, in the light of the above noted two Full Bench decisions of this Court, and, secondly, I am of the considered view that in these matters there is no lis between the Corporation and the land-owner/claimants. It is only through the agency of the State Government that the Respondent/claimants' land could be acquired and it only against the State Government that the said land owners can initiate proceedings for enhancement of compensation. The mere fact that the Corporation was impleaded as a Respondent does not entitle it to prefer these appeals against the award of the Land Acquisition Court. The impleading of the Corporation as a Respondent was, at the most, with a view to enabling it to "appeal and adduce evidence for the purposes of determining the amount of compensation as envisaged by Section 50(2) of the Act or, in other words, it could assist the State Authorities in the matter of determining the market value of the acquired land. This legal position is made further clear by the proviso to this Sub-section whereby a company or a corporation has completely been debarred from seeking any reference u/s 18 of the Act. If the company or the corporation cannot seek a reference u/s 18 of the Act against the award of the Land Acquisition Collector how can it be made entitled to assail the award of the Land Acquisition Court.

3. Thus, for the reasons recorded above I sustain the preliminary objection raised by the Learned Counsel for the Respondent claimants and dismiss these appeals but with no order as to costs.