

(1989) 04 P&H CK 0034
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2293 of 1988

Punjab Wakf Board

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 05-04-1989

Acts Referred:

Citation : (1989) 2 CurLJ 86 : (1989) PLJ 713 : (1989) 1 RRR 543

Hon'ble Judges : G.R.Majithia, J

Advocate : B.B. Sharma, Advocate, S.D. Sharma, Advocate, Advocates for appearing Parties

Judgement

G.R. Majithia, J. (Oral)

1. This judgment will dispose of revision petitions No. 2293 and 2294 of 1988.

It has arisen in the following circumstances :

The land of the Punjab Wakf Board was acquired. The Land Acquisition Collector gave the award. The claimant was dissatisfied with the award and got a reference made to the Land Acquisition Court under Section 18 of the Land Acquisition Act (for short the Act). During the pendency of the reference, the Land Acquisition Collector, Punjab State Electricity Board made an application that it may be made partyrespondent in this case. The application was allowed by the land acquisition Court vide order dated May 9, 1988. The claimed did not make them parties since they wanted to challenge in this Court the order where the Land Acquisition Court had allowed the Punjab State Electricity Board and the Collector as partyrespondents. This order is the subject matter of challenge under Civil Revision No. 2293 of 1988.

2. Since the order was not complied with, the land acquisition Court dismissed the reference for nonprosecution. This order is the subject matter of challenge under Civil Revision No. 2294 of 1988.

3. The land acquisition Court is in error in holding that the Punjab State

Electricity Board and the Collector are necessary parties to the petition. This matter is no more res integra and stands settled by a Full Bench judgment of this Court in M/s Indo Swiss Time Limited v. Umrao and others, 1981 R.L.R. 403, where the Bench after referring to the Supreme Court judgment reported as Municipal Corporation of the City of Ahmedabad v. Chandulal Shamaldas Patel and others, (1970) 1 S.C.W.R. 183 held as under :

"(1) That an application under Order 1 rule 10 of the Code of Civil Procedure for being impleaded as a party by the company is not legally maintainable;

(2) That the company is not an interested person so as to give it a right to become a party to the proceedings in reference before the District Judge;

(3) that the only right under the Act available to the company is to appear and adduce evidence for the determination of the amount of compensation, and

(4) that the company by itself would have no right to file an appeal."

This judgment was again followed by a Division Bench of this Court in Pritam Singh v. Punjab State and another, 1983 R.L.R. 2370, where the dispute arose in the following circumstances :

"Against the award of the land acquisition Court under section 18 of the Act, the Punjab State Electricity Board preferred an appeal in this Court and this Court held that the appeal on behalf of the Punjab State Electricity Board and the Collector was not competent in view of the Full Bench decision referred supra."

4. The learned counsel for the Punjab State Electricity tried to reiterate before me the same submissions which were rejected by the Division Bench. Sitting singly, I am bound by the decision rendered by the Division Bench. The order of the Land Acquisition Court dated May, 1988, whereby it permitted the Punjab State Electricity Board and the Collector to be impleaded as respondents in the land acquisition case is quashed. Resultantly, the order dismissing the reference for nonimpleading the Punjab State Electricity Board and the Collector is also quashed being wholly contrary to law. No order as to costs. The parties through their counsel are directed to appear before the Land Acquisition Court i.e. Additional District Judge, Kapurthala, on May 5, 1989.

Order accordingly