
(1993) 08 P&H CK 0039
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 328 of 1993

Raghubir Singh

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 31-08-1993

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115
Land Acquisition Act, 1894 — Section 30

Citation : (1993) 105 PLR 241

Hon'ble Judges : V.K. Jhanji, J

Bench : Single Bench

Advocate : S.C. Kapoor and Ashish Kapoor, for the Appellant; J.K. Goel, for the Respondent

Final Decision : Allowed

Judgement

V.K. Jhanji, J.—Petitioner, in this revision petition, is impugning the order of the Additional District Judge, Panipat, staying the proceedings filed by the respondents u/s 30 read with Section 18 of the Land Acquisition Act.

2. In brief, the facts are that the land owned by the petitioner was acquired by the State of Haryana and the Land Acquisition Officer announced the award of compensation in favour of the petitioner. Respondent No. 2, Inderjit, raised a dispute u/s 30 of the Act by filing a combined petition u/s 18 read with Section 30 of the Act. The Collector made reference to the Additional District Judge, Panipat, who registered the case as L.A.C. No. 133 of 1992. This reference u/s 30 of the Act was made by respondent No. 2 on 8.5.1992. After the matter was referred to the Addl. District Judge, respondent No. 2 filed a civil suit on 14.9.1992. After the matter was referred to the Addl. District Judge, respondent No. 2 filed a civil suit on 14.9.1992 claiming title to the suit land. After filing of the suit, respondent No. 2 filed an application on 29.10.1992 before the Additional District Judge for staying proceedings u/s 30 of the Act. On his application, the Additional Judge District stayed the proceedings vide his order

dated 21.12.1992, which is now being challenged by the petitioner in the present revision petition.

3. Mr. S.C. Kapoor, Sr. Advocate, counsel for the petitioner, contended that the Additional District Judge ought not to have stayed the proceedings as the matter with regard to title can be decided u/s 30 of the Act. According to him, the suit was filed in order to harass the petitioner and to delay the payment of compensation. In reply, learned counsel for respondent No. 2, Inderjit. submitted that respondent No. 2 in civil suit is seeking declaration not only against the petitioner, but also against the persons who are not parties to petition u/s 30 of the Act and, therefore, proceedings u/s 30 of the Act were rightly stayed by the Additional District Judge.

4. Having heard the learned counsel for the parties, I am of the view that the impugned order cannot be sustained. Section 30 of the Act contemplates that two type of cases can be referred to the Court; (a) the dispute regarding apportionment of compensation, and (b) the person to whom compensation is payable. The dispute as referred to in Section 30 of the Act can be referred to the District Judge only after the Collector settles the compensation and makes award as provided u/s 11 of the Act. Once the Collector's award u/s 11 of the Act is made, if there is acceptance of it by all concerned, the matter gets finalised and exhausted. But if there is a dispute as to the apportionment or any part thereof or as to persons to whom payment has to be made, then it is open to the Collector to make a reference u/s 30 for decision in those disputed matters. Thus, a reference u/s 30 is really in the nature of an interpleader suit. The decision given there in u/s 30 of the Act is like a "decree", and as such, an aggrieved party has a right of appeal. In the present case, though respondent No. 1 was not present before the Collector when the award was made, but on his application, the Collector made reference to the District Judge u/s 18 read with Section 30 of the Act. Once respondent No. 2 having opted to get his dispute settled u/s 30 of the Act, it was not open to him to get these very proceedings stayed on filing of civil suit. It is true that dispute with regard to title can be settled either u/s 30 of the Act or by filing a civil suit, but since respondent No. 2 had initiated proceedings by raising dispute u/s 30 of the Act, proceedings in reference u/s 30 could not be stayed to await the decision of the Civil Court, particularly when the civil suit was instituted after making of reference u/s 30 of the Act. Under the award, the petitioner has been held entitled to receive compensation and this right of the petitioner to receive the award is being disputed by respondent No. 2 on the ground that he perfected his title by adverse possession. The relief claimed is only against the petitioner and, therefore, it makes no difference if some other persons apart from the petitioner are also parties to the civil suit.

5. Consequently, the revision petition is allowed, impugned order is set aside and in consequence thereof, proceedings u/s 30 of the Act stand revived. The Additional District Judge shall make an endeavour to decide the reference

expeditiously. No costs.

6. Parties through their counsel are directed to appear before the Additional District Judge, Panipat, on 27.9.1992.