

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No.1258 of 2014

Date of decision : 06.08.2015

Ramesh

....Petitioner

Versus

Randhir Singh & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr. Satbir Rathore, Advocate
for the petitioner.

Mr. Vikram Singh, Advocate
for respondent No.1.

M.M.S.Bedi, J. (ORAL)

An application filed by the petitioner under Order 1 Rule 10 CPC in proceedings under Section 30 of the Land Acquisition Act before the Reference Court has been dismissed vide impugned order on the ground that the claim of the petitioner is on the basis of an agreement of sale.

The petitioner claims that on the basis of an agreement to sell in his favour by the original owner, he has got an interest in the property as such he can be impleaded as a party.

Learned counsel for respondent No.1 has argued that agreement to sell does not confer any title as such the application has rightly been dismissed.

I have heard learned counsel for the parties.

The interest of an intended purchaser on the basis of an agreement of sale, in the apportionment proceedings under Section 30 of the Land Acquisition Act is no more res integra in view of the judgments of this Court in ***Harbhajan vs. Ruppa and another, 2004(1) RCR (Civil) 120 and Netra Pal vs. Smt. V.S.K.D.Smith***

and others, 2012 (2) PLR 44 wherein it has been held that a person, who has paid earnest money would be interested person as per Section 3(b) of the Land Acquisition Act.

Following the above said ratio of judgments, the impugned order deserves to be set aside. The petition is allowed. It is directed that the petitioner will be permitted to participate in the apportionment proceedings on the basis of alleged agreement to sell. This order, however, will not in any manner prejudice the right of other claimants and will not absolve the petitioner to establish the execution of the document, admissibility and relevance of the same and his entitlement on the basis of the said agreement for apportionment. Mere order of his impleadment will not ipso facto tantamount to a presumption that he is entitled for apportionment. This controversy will have to be decided during pendency of the proceedings under Section 30 of the Land Acquisition Act by the Reference Court.

(M.M.S. BEDI)
JUDGE

06.08.2015
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