

CR No.2765 of 2018

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

CR No.2765 of 2018

Date of decision:30.04.2018

Gurcharan Singh

... Petitioner

Vs.

Land Acquisition Collector-cum-Sub Division Magistrate and another
... Respondents

CR No.2767 of 2018

Harmeet Singh

... Petitioner

Vs.

Land Acquisition Collector-cum-Sub Division Magistrate and another
... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Tejinder Pal Singh, Advocate
for the petitioner (in CR No.2765 of 2018).

Mr. Bikramjit Singh, Advocate
for the petitioner (in C.R.No.2767 of 2018).

AMIT RAWAL J. (Oral)

This order of mine shall dispose of two revision petitions bearing Nos.2765 and 2767 of 2018. The facts are being taken from CR No.2765 of 2018.

The present revision petition is directed against the impugned order dated 12.12.2017 (Annexure P-3), whereby, the application of the

petitioner under Order 1 Rule 10 read with Order 6 Rule 17 CPC for impleadment in land acquisition case filed by respondent No. 2 in reference under Section 18 of the Land Acquisition Act, 1894 (in short “1894 Act”) has been rejected.

Mr. Tejinder Pal Singh, Advocate for the petitioner (in CR No.2765 of 2018) and Mr. Bikramjit Singh, Advocate for the petitioner (in C.R.No.2767 of 2018) submitted that applicants have already filed a civil suit challenging the sale deed of land in question, i.e., subject matter of acquisition, is pending adjudication and in case, the applicants/petitioners herein are not allowed to be impleaded, purpose in the pending suit would be frustrated/defeated as respondents would be able to get the enhanced compensation without any demur. It is in that background, the application for impleadment was filed but the same was dismissed, vide impugned order, therefore, the order is not sustainable in the eyes of law and liable to be set aside.

I have heard the learned counsel for the petitioner(s), appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Tejinder Pal Singh and Mr. Bikramjit Singh, for, it is yet to be established on record whether the sale deed executed by the applicant was valid or not, for, suit is yet to be decided. In case, the applicant/petitioner succeeds in the suit, the Court can always mould the relief under Order 7 Rule 7 CPC but not in the manner and mode as indicated above as reference can be filed only by the party who was owner at the time of issuance of notification under Section 4 of erstwhile Land

Acquisition Act, 1894, therefore, the order under challenge is perfectly legal and justified, much less cannot be said to have been passed without jurisdiction.

Accordingly, the revision petitions stand dismissed.

(AMIT RAWAL)
JUDGE

April 30, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No