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

RFA No.3392 of 2010 (O&M)
Date of Decision: 09.03.2018

Haryana State Industrial Development Corporation now known as Haryana State Industrial & Infrastructure Development Corporation Ltd.

.... Appellant(s).

Versus

Rohtas and others

....Respondent(s).

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA.

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Present: Mr.A.K.Chopra, Senior Advocate with
Mr.G.S.Bhandol, Advocate and
Mr.Pritam Singh Saini, Advocate for Haryana State Industrial and Infrastructure Development Corporation Ltd.

Mr.Shailendra Jain, Senior Advocate with
Mr.Satyendra Chauhan, Advocate,
Mr.Pawan Kumar, Senior Advocate with
Mr.Rozer Kumar Aggarwal, Advocate,
Ms.Manisha Gandhi, Senior Advocate with
Mr.Ashwani Gaur, Advocate
Mr.G.C.Shahpuri, Advocate
Mr.Ranjit Saini, Advocate,
Mr.Sandeep Sharma, Advocate,
Mr.P.R.Yadav, Advocate,
Mr.Nitin Jain, Advocate,
Mr.Gaurav Aggarwal, Advocate for the land owners.

Mr.Sudeep Mahajan, Addl. Advocate General, Haryana, for State as well as for Haryana State Industrial and Infrastructure Development Corporation Ltd.

Ms.Safia Gupta, Assistant Advocate General, Haryana.

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G.S.SANDHAWALIA, J.

CM-4435-CI-2014

Application under Order 1 Rule 10 CPC has been filed on behalf of Maruti Suzuki India Limited for being impleaded as necessary party on the ground that the applicant would have an interest in the litigation. It has further been averred that the land was acquired by the State of Haryana for HSIIDC in different phases under the Land Acquisition Act for the purpose of setting up of industrial town in Manesar and HSIIDC has allotted the land to the MSIL on 01.08.2008.

The acquisition, thus, was for the purpose of industrial estate and not for MSIL and, therefore, this claim for being impleaded as interested person does not survive, keeping in view the judgment of the Apex Court in **'Satish Kumar Gupta and others Vs. State of Haryana and others' AIR 2017 SC 1072** on the point in issue, whereby the matter has been discussed threadbare. The question posed by the Apex Court and relevant part of the said judgment reads as under:-

> *"2. Question for consideration is whether a post-acquisition allottee of land is necessary or proper party or has any locus to be heard in the matter of determination of compensation under the scheme of the Land Acquisition Act, 1894 (the Act). If not, whether the impugned order permitting additional evidence and directing remand is sustainable.*
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> *xxxxxxxxxxxxxxxxxxxxxxxx*
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> *15. In Himalayan Tiles (supra) the acquisition was under Part-VII of the Act. In Santosh Kumar (supra) the question was whether award of the Collector could be challenged, to which this Court answered in the negative except on the ground of fraud, corruption or collusion. In Neyvely Lignite (supra) again the acquisition was under Part-VII of the Act and in that context this Court held that the expression "person interested" could include a company or local authority for whose benefit the land was acquired. The post-acquisition allottee cannot by any stretch of imagination be treated at par with beneficiary for whom the land was acquired. In U.P. Awas Evam Vikas Parishad (supra), the matter dealt with was in the context of statutory authority for whom the land was acquired. Delhi Development Authority v. Bhola Nath Sharma (dead) by Lrs. and ors. was a case in the context of beneficiary for whom the land was acquired.*
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> *18. Accordingly, we hold that the post-acquisition allottee has no locus to be heard in the matter and is neither a necessary nor a proper party."*

Therefore, the application is not maintainable and same is, accordingly, dismissed.

CM stands disposed of.

Main case

The appeal is dismissed, in view of the detailed judgment of even date passed in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'.** The relevant part of the judgment reads as under:-

> *"140. Accordingly, the appeals filed by the HSIIDC seeking reduction in the compensation and of MSIL are dismissed and those of the land owners alongwith cross-objections are allowed.*
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> *(i) The market value of the land falling in five village i.e. Naharpur Kasan, Kasan, Bas Huria, Bas Khusla and Dhana is assessed @ Rs.41.40 lakhs per acre alongwith all statutory benefits.*
>
> *(ii) The market value of land in village Manesar is assessed @ Rs.62.10 lakhs per acre alongwith all statutory benefits.*
>
> *(iii) The appellant-M/s Kohli Holdings Private Limited in RFA No.4646 of 2010 would be entitled for compensation Rs.62.10 lakhs per acre, on account of it being given benefit of 50% of locational advantage being situated on the highway and in village Manesar apart from that it would be entitled for 30% more compensation on account of severance charges on the abovesaid market value alongwith all statutory benefits.*
>
> *(iv) The directions of the Apex Court in the case of Pran Sukh will also be adhered to while disbursing the balance amount of compensation.*
>
> *(xx) Where appeals have been filed by the land owners which were beyond period of limitation and applications have been filed for condoning the delay with a condition that the land owners will not be entitled for the interest during the said period, the Executing Court shall ensure that the amounts are calculated and disbursed, keeping in the view the said condition which has been passed in the case of each and individual land owner.*

*(vi) The appeals filed by the MSIL are dismissed on account of non-maintainability and in view of the observations of the Apex Court in the case of **Satish Kumar Gupta (supra)** being a post notification allottee."*

(G.S.SANDHAWALIA)
JUDGE

March 09, 2018
raman

Whether speaking/reasoned Yes/No
Whether reportable Yes/No