

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

**RFA No.80 of 2014 (O&M)
Date of Decision: 09.03.2018**

Maruti Suzuki India Limited Appellant(s)

Versus

State of Haryana and othersRespondent(s)

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

Present: Mr. Sunil Chadha, Senior Advocate with
Mr. M.S.Atwal, Advocate for
Maruti Suzuki India Limited.

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 landowners.

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.

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.

G.S. SANDHAWALIA, J.

Exemption Application

Application is allowed, as prayed for.

CM stands disposed of.

Application for condoning the delay in re-filing

Application for condoning the delay in re-filing has been filed.

In view of the averments made in the application, duly supported by the affidavit, the same is allowed. The delay in re-filing the appeals is condoned.

CM stands disposed of.

Application under Order 1 Rule 10 CPC for impleadment

Application under Order 1 Rule 10 CPC has been filed for impleading MSIL on the ground that the applicant-appellant would have an interest in the litigation, in view of the enhancement of the price of the land under Section 18 of the Land Acquisition Act, 1894. 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. 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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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.

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.

Applications for condonation of delay in filing the appeal and for additional evidence

Applications have been filed for condoning the delay of 690 days in filing the appeal and for additional evidence.

Accordingly, the same are also dismissed, since the appeal itself is not maintainable on behalf of the MSIL. The detailed reasons have also been given in the judgment of even date passed in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'**.

CMs stand disposed of.

Main appeal

The appeal is dismissed on the ground of non-maintainability and in view of the judgment of the Apex Court in '**Satish Kumar Gupta and others Vs. State of Haryana and others**' AIR 2017 SC 1072, being post-acquisition allottee. For detailed reasons, see judgment of even date passed in **RFA No.2373 of 2010 'Madan Pal (III) Vs. State of Haryana and another'**.

March 09, 2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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