

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.875 of 2024 (O&M)
DATE OF DECISION: 22nd FEBRUARY, 2024

Tarlok Singh and others through SPA Lakhwinder Singh
.... Petitioners

Versus

Divya Jyoti Jagriti Sansthan and others
.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Shailesh Aggarwal, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 14.12.2023 (Annexure P-6) passed by the Additional District Judge, Jalandhar, vide which, the application under Order 1 Rule 10 CPC for impleading the petitioners in the array of the applicants in the proceedings (application under Section 18 of the Land Acquisition Act) in respect of the land acquired for settling New Mandi, Tehsil Shahkot, District Jalandhar, has been dismissed.

2. A perusal of the order shows that the application filed by the petitioners for being impleaded as party in the reference sought by the respondent No.1 under Section 18 of the Land Acquisition Act has been rejected by the Court below on the ground that they did not, any more have title to the property. They had already sold the same to respondent No.1-Divya Jyoti Jagriti Sansthan way back on 12.08.2010. It is that order which has been challenged by the petitioners on the ground that the notification under Section 4 of the Land Acquisition Act had already been published in the newspaper on 07.05.2010, therefore, the sale in

favour of respondent No.1-Divya Jyoti Jagriti Sansthan would be rendered as void. Hence, it is the original owner only who shall be entitled to the compensation. Therefore, the petitioners had rightly filed the application for becoming party in the proceedings, which has wrongly been dismissed.

3. Having heard learned counsel for the petitioners and having perused the case file, this Court does not find any substance in the arguments raised by the counsel for the petitioners. As per their own case; the petitioners had sold the land to Divya Jyoti Jagriti Sansthan, vide sale deed dated 12.08.2010, which is duly registered in the office of the Registrar, Shahkot after the petitioners have obtained the full amount of consideration. There is no dispute on any aspect of the sale deed, as such. The petitioners have not even challenged the validity of the said sale deed anywhere on any ground. Hence, the title of the land duly stood transferred in favour of the above said Divya Jyoti Jagriti Sansthan, in accordance with a legally recognize method of transfer of title. Hence, the above said Divya Jyoti Jagriti Sansthan shall be deemed to have stepped into the shoes of the petitioners for all legal purposes.

4. Although, learned counsel for the petitioners has submitted that since the notification under Section 4 of the Land Acquisition Act had already been issued on 07.05.2010, therefore, the sale deed executed by the petitioners subsequent to that date on 12.08.2010 shall be void, and hence; confirming no title upon the Divya Jyoti Jagriti Sansthan, however, this Court does not find any basis even in the said argument. Learned counsel for the petitioners has failed to refer to any provision of law which renders the sale deed executed only after issuance of

notification under Section 4 of the Land Acquisition Act, as void, as such. Needless to say that the notification under Section 4 of the Land Acquisition Act is only initiation of the proceeding expressing intention to acquire the land and it does not transfer the title in favour of the State, nor does such a notification affects the title of the land owner, in any manner. There is not even any law which puts a clog upon the land owner to transfer his title or interest in the land, which is the subject-matter of notification under Section 4 of the Land Acquisition Act, which in any case, would be subject to the consequences of the process of acquisition, if any. Moreover, even after issuance of the notification under Section 4 of the Land Acquisition Act, the State is not bound to complete the process of acquisition; so as to acquire title qua the said land. It can drop the acquisition proceedings at any time deemed appropriate to it. Therefore, even by necessary implication, mere issuance of a notification under Section 4 of the Land Acquisition Act does not affect the title of the land owner qua the land which is subjected to the notification under Section 4 of the Land Acquisition Act nor is it transferability affected in any manner, as such. The only clog upon such property, would be that the property will be subject to the outcome of the process of acquisition, if any, taken to the logical end.

5. In view of the above, this Court does not find any illegality, impropriety or perversity with the order passed by the trial Court. Hence, the present petition is dismissed.

22nd February, 2024

‘sandeep’

Whether speaking/reasoned:

Whether Reportable:

(RAJBIR SEHRAWAT)

JUDGE

Yes

No

Yes

No