

2024:PHHC:049987

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

CR-6812-2019 (O&M)
Date of decision: 10.04.2024

Surjit Kaur

....Petitioner

Versus

Gurdial Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Satbir Rathore, Advocate for the petitioner
Mr.Dinesh Nagar, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. In this revision petition, the correctness of the interlocutory order passed by the trial court while dismissing the plaintiff's application for permission to withdraw the suit with permission to file fresh one on the same cause of action has been dismissed. In substance, he has filed a suit for the grant of decree of declaration that he is the owner in joint possession of the land measuring 15 kanals 13 marlas 1 sarsahi with a consequential relief of mandatory injunction restraining the defendants from interfering in his irrigation. In the alternative, he has prayed for a decree for the joint possession. After a passage of 4 years, he filed an application on the ground that Public Works Department, Punjab, Mukerian Hydel Channel and one co-sharer has not been impleaded as a party. Therefore, the suit is liable to be dismissed on account of formal defect. The trial court dismissed the application on the ground that the suit does not suffer from any technical defect.

2. Learned counsel representing the petitioner contends that Public Works Department and Mukerian Hydel Channel are necessary

parties because some part of the property was acquired in 1985. He further submits in the absence of notice under Section 80, the suit against the Government Department would not be maintainable.

3. This Court has considered the submissions made by the learned counsel representing the parties.

4. Upon acquisition of land in accordance with the provisions of the Land Acquisition Act, 1894, the acquired land absolutely vests in the Government. The plaintiff cannot claim any right, title or interest in the aforesaid property, which has been acquired.

5. Keeping in view the aforesaid facts, there is no error in the order passed by the trial court.

6. Hence, dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

10.04.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE