

Hindu Kanya Maha Vidyalaya, Jind and Another

Vs

Municipal Committee, Jind and Others

Civil Appeal No. 1010 of 1988

(K.N. Singh, M.H. Kania JJ)

22.03.1988

ORDER

1. Special leave granted.

2. Improvement Trust, Jind constituted under the Punjab Town Improvement Act, 1922, acquired a large area of land for the purpose of its Scheme No. 5 for development of housing and commercial complex. Award was declared on July 15, 1976. Thereafter, possession of the land was taken by the Municipal Committee as the Trust was succeeded by Municipal Committee. The Committee sold some portion of the land to the two appellants Hindu Kanya Maha Vidyalaya and Sanatan Dharam High School, Jind under two separate agreements dated April 26, 1977 and July 6, 1977 at the rate of Rs. 3.10 per square yard. The agreement, however, contained a clause that in the event of compensation being enhanced, the appellants will be liable to pay the same to the Municipal Committee. On a reference being made under Section 18 of the Land Acquisition Act, compensation was enhanced by the Tribunal constituted under Punjab Town Improvement Act. During the pendency of the proceedings before the Tribunal Sanatan Dharam High School, appellant 2 made application for being impleaded to the proceedings and for an opportunity of hearing to contest claimants' claim for enhanced compensation. The Tribunal by its order dated October 29, 1984 rejected the application on the ground that appellant 2 was not an "interested person" within the meaning of expression under Section 3(b) of the Land Acquisition Act, 1894. The Tribunal gave its award on November 5, 1985 under which it enhanced the compensation as a result of which the Municipal Committee made demand from the appellant for payment of enhanced amount of compensation. The appellants thereupon filed a writ petition under Article 226 of the Constitution challenging the award given by the Tribunal on the ground that they were denied opportunity of hearing although they were "persons interested" within the meaning of Section 3(b) of the Act. The High Court rejected the petition by its order dated September 19, 1986. Hence this appeal.

3. Having heard learned counsel for the parties, we do not find any good ground to interfere with the order of the High Court. Indisputably the land in dispute was not acquired for the purpose of appellants instead the land was acquired for the Municipal Committee for the purpose of developing its Scheme No. 5. After the declaration of award Municipal Committee took possession of the land and thereafter transferred a portion of the same to the appellants under an agreement. In these circumstances the ratio laid down by this Court in *Himalayan Tiles & Marbles (P) Ltd. v. Francis Victor Countinho* ((1980) 3 SCC 223 : (1980) 3 SCR 235) does not apply as the appellants are not interested persons and they have no right to question the award. The appeal fails and is accordingly dismissed. There will be no order as to costs.

</html