

PUNJAB AND HARYANA HIGH COURT

H.S. and Industries

Vs

State (P & H)

Civil Revn. No.1256 of 1970

(P.C. Pandit, J.)

28.08.1970. 24.05.1971

JUDGMENT

P.C. Pandit, J.

1. This order will dispose of Civil Revisions Nos.1250, 1251, 1253, 1255, 1256, 1258, 1259, 1261 and 1263, to 1265 of 1970.
2. The facts are not in dispute. Some land in villages Parnala and Bahadurgarh. District Rohtak, was admittedly acquired for two companies, namely. The Hindustan Sanitaryware and Industries Limited, Bahadurgarh, and The Hindustan National Glass Manufacturing Company Limited. Bahadurgarh. It is further admitted that the compensation amount has to be paid by these two companies. The Collector gave his award and against his decision the landowners made applications under Section 18 of the Land Acquisition Act that the case be referred to the learned District Judge for enhancement in the compensation.
3. The two companies made an application before the learned Additional District Judge that they be permitted to appear and adduce evidence and show that there should be no increase in the compensation which had been awarded by the Collector.
4. This application was contested by the various landowners on the ground that the two companies had no locus standi to move the same. Their contention prevailed with the learned Judge and against that order the two companies have filed these revision petitions.
5. From the facts stated above, it is apparent that the compensation amount has to be paid by the two companies. If the said amount is increased by the learned Additional District Judge on a reference under Section 18 of the Land Acquisition Act, it would be the two companies, who would be prejudiced. I do not see any reason as to why under these circumstances they should not be permitted to lead evidence and say that the compensation amount awarded by the Collector was adequate and that there should not be any further increase in it as demanded by the landowners. Learned counsel for the respondents could not Point out on what principle of law the request of the two companies could be resisted. No authority even was cited by him that under

similar circumstances any Court had ever held that the persons, who had actually to pay the compensation, could not be allowed to lead evidence and say that the compensation amount be not enhanced. It is noteworthy that by virtue of Section 53 of the Land Acquisition Act, the provisions of the Code of Civil Procedure applied to all proceedings before the learned Additional District Judge and he had, therefore, ample powers under Order 1. Rule 10, Code of Civil Procedure, also to implead the said two companies as parties.

6. Learned counsel for the respondents submitted that the provisions of Part VII of the Land Acquisition Act had not been complied with, while acquiring the land in this case. This circumstance might or might not have been relevant for the purpose of deciding as to whether the acquisition in the instant case was valid or not. But this question has already been decided by this Court in this very case and it is reported as *Jaishi Ram Goel v. State of Punjab*¹,

7. I would, therefore, accept these petitions and quash the impugned order passed by the learned Additional District Judge. In the circumstances of this case, however, I will leave the parties to bear their own costs.

Petitions accepted.

Cases Referred.

¹ AIR 1962 Pun 177