



128

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-5611-2019(O&M)****Date of Decision: 10.09.2025**

Manoj Kumar

..... Petitioner

Versus

State of Haryana and ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr.Amit Jain, Advocate for the petitioner.

Ms. Komal Sharma, DAG, Haryana.

Mr. Vishal Garg, Advocate for respondent No.3.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition challenge has been laid to an order dated 13.08.2019 (P-5) passed by the learned Reference Court-cum-learned Additional District Judge, Gurugram; whereby an application preferred under Order 1 Rule 10 CPC at the instance of petitioner being "*person interested*", in the pending proceedings arising out of reference under Section 18 of the Land Acquisition Act, 1894, stood declined.

2. Briefly stating, the petitioner happened to be co-sharer in the land comprised in Rectangle No. 135, Killa No. 11 min West (5-12), 20 min West (6-6), 21 min West (6-18), Rectangle No. 136, Killa No. 6/2/1 min. West (1-11), 15/2 (3-8), 16/1(3-8), 25/2(3-6), total Kitta 7, total measuring 30 Kanal 9 Marla to the extent of 10/108 share situated within the revenue estate of Village Patli Hazipur, Tehsil-



Farukhnagar, District-Gurugram. Some part thereof came to be acquired vide notifications dated 11.12.2007 and 17.04.2008 issued under Sections 4 and 6, respectively, of the Land Acquisition Act, 1894, for short 'the Act'. The public purpose of acquisition was for setting up of Toll Plaza connecting National Highways 12, 8 and 10. The award under Section 11 of the Act was announced by the Land Acquisition Collector, (for short 'the LAC') on 24.12.2008. Some of the co-sharers of the petitioner sought reference Under Section 18 of the Act which was decided on 25.03.2013. Aggrieved thereof, Regular First Appeals were filed before this Court which were disposed of on 20.03.2018, whereby the decision of the Reference Court was set aside and the matter was remanded back for its fresh adjudication.

3. It was at this stage, the petitioner moved an application under Order 1 Rule 10 CPC in the petition under Section 18 of the Act for seeking his impleadment as applicant while claiming himself to be a co-sharer and beneficiary of the acquired land.

4. The prayer made in the said application was opposed at the instance of respondent HSIIDC. The learned Reference Court vide order dated 13.08.2019 rejected the application for his impleadment. Hence the present revision.

5. Impugning the aforementioned order dated 13.08.2019 (P-5), learned counsel for the petitioner submits that the applicant being co-sharer in the joint land comprised in Rectangle No. 135, Killa No. 11 min West (5-12), 20 min West (6-6), 21 min West (6-18), Rectangle No. 136, Killa No. 6/2/1 min. West (1-11), 15/2 (3-8), 16/1(3-8), 25/2(3-6), total Kitta 7, total measuring 30 Kanal 9 Marla to the extent of



10/108 share situated within the revenue estate of village Patli Hazipur, Tehsil- Farukhnagar, District-Gurugram, as well as beneficiary against the acquired land, was a necessary party and thus his prayer for impleadment was required to be allowed so as to permit him to pursue his rights towards grant of similar compensation as was to be assed in favour of his other co-sharers. In support, he also places reliance upon Section 3 (b) read with Section 20(b) of the Act to submit that the petitioner being “*person interested*” though was required to be served upon notice by the learned Reference Court, however, the same being not effected; on an application moved at the instance of petitioner/ “*person interested*” himself, the learned Reference Court could not have declined his impleadment. In support of his aforesaid contention, learned counsel for the petitioner places reliance upon the judgment of this Court in ***Bhag Singh and others Vs. The Special Land Acquisition Collector and another***, reported as **AIR 1984 (Punjab) 177** and para 4 thereof being relevant, is extracted hereunder:-

“4. *So far as the other aspect of the matter that in the absence of any specific provision in the Act, the petitioners cannot be added as parties to the References pending before the lower Court is concerned, the same though hardly arises in the instant case in the light of the above-noted conclusion of mine yet I find that the lower Court appears to be completely oblivious of the provision of Section 53 of the Act and also some of the pronouncements of this Court wherein it has been held that an application under Section 18 of the Act is to be equated with a suit, an applicant with a plaintiff and an award with a*



decree (See **Phuman v. The State of Punjab, 16 (1963) ILR 2 Punjab 442 and C.M. No. 305-C-I/1981 in R.F.A. No. 148/1980, Union Territory of Chandigarh through the Land Acquisition Collector, Chandigarh v. Sardara Singh and others, decided on 29th May, 1981**). Section 53 of the Act specifically attracts the applicability of the provisions of the Civil Procedure Code so far as these are not inconsistent with anything contained in the Act to all the proceedings before the Land Acquisition Court. Reference under Section 18 of the Act is undoubtedly a proceeding under the Act and, thus, in the light of Section 53, the provisions of the Civil Procedure Code would certainly apply to these proceedings. I am quite conscious of the fact that in some judgments, such as **Mahananda Roy v. Satish Chandra Tewari, 7 (1910) Indian Cases 10, Md. Ibrahim Sahib v. Land Acquisition Officer, AIR 1958 Andhra Pradesh 226, and Municipality Nalgonda v. Hakim Mohiuddin, AIR 1964 Andhra Pradesh 305**, it has been held that a person whose name is not mentioned in the reference made by the Collector cannot be added as a party to the proceedings before the Court, yet in a good number of other judgments, such as **Kishen Chand v. Jagannath Prashad, ILR 25 Allahabad 133, Padmanabha Menon v. Bhaskara Menon, 1963 Kerala Law Journal 724, and Mt. Sakalbaso Kuer v. Brijendra Singh, AIR 1967 Patna 243**, it has been ruled that in the Land Acquisition Act, there is nothing inconsistent with the provisions of Order 1, Rule 10, Civil Procedure Code, and, thus, the Land Acquisition Court in exercise of its powers under the later-mentioned provision read with Section 53 of the Act can certainly add a person as a



party if it appears to it just to do so or to effectually and completely adjudicate upon the questions involved in the case. Within this Court also it has been held in Phuman Singh's case (supra) in the context of Order 22 of the Civil Procedure Code that there is no inconsistency between the provisions of this Order and Sections 20, 21, 23 and 26 of the Act. On a parity of reasoning given in this judgment, the Land Acquisition Court can, to my mind, invoke its powers under Order 1, Rule 10, Civil Procedure Code, to add a party to the proceedings pending before it. Otherwise also, I find in the light of the provisions of Section 20 of the Act that if the Land Acquisition Court is, required to cause a notice specifying the day on which it will proceed to determine the objection and directing all "persons interested" to put in appearance before the Court on that day then how can a person interested with reference to a particular land which has been compulsorily acquired under the Act not come before the Court and claim such notice and be heard."

6. On the other hand, learned counsel appearing for respondent No.3-HSIIDC submits that the prayer made at the instance of petitioner for seeking impleadment in the pending reference was rightly rejected by the learned Reference Court as a fresh reference at his instance at this stage, was clearly barred by limitation. He thus submits that while moving an application for impleadment in the pending reference, the petitioner only intended to avoid the objection with respect to limitation to his independent reference under Section 18 of the Act. Learned counsel also submits that in the given facts,



Section 20 (b) of the Act was not applicable as the term “*person interested*” for the purpose of clause (b) to Section 20 was to be considered being restricted only to the parties to the reference and was thus not to be given any wider meaning to it by including all persons interested in the acquisition proceedings. Learned counsel thus prays for dismissal of the present revision petition.

7. I have heard learned counsel for the parties and gone through the paper-book.

8. Before delving into the merits of case, it may be essential to minutely go through the provisions of Sections 3(b) and 20 of the Act, which are extracted hereunder:-

“Section 3: Definitions. - *In this Act, unless there is something repugnant in the subject or context, -*

- (a) xxx xxx xxx;
- (b) *the expression “person interested” includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land.”*

Section 20: Service of notice. - *The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely: -*

- (a) *the applicant;*
- (b) *all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded;*
and



(c) If the objection is in regard to the area of the land or to the amount of the compensation, the Collector.”

9. Admittedly, the petitioner happens to be one of the co-sharers of the acquired land regarding which reference bearing LAC No.163/2018, titled as ***Suraj Bhan and ors. Vs. State of Haryana and ors.*** was filed and is pending adjudication. In such circumstances, undisputedly the petitioner was interested in the determination of compensation to be made on account of such acquisition and accordingly, happened to be “*person interested*” in terms of Section 3 (b) of the Act. Though the petitioner did not prefer any reference under Section 18 of the Act, yet, as per Section 20 (b) thereof, he being a “*person interested*” in the objection to the determination of market value by the LAC, was required to be served with notice upon the objections preferred at the instance of his co-sharers.

10. In the humble opinion of this Court, the argument raised on behalf of learned counsel for respondent No.3 to the effect that the term “*person interested*” used in clause (b) of Section 20 of the Act had a restrictive meaning so as to take into account only the persons who were impleaded as parties to such objection; needs to be rejected for the reasons to follow.

10.1. A perusal of Section 20 (b) of the Act makes it clear that the legislature deliberately used the wider term i.e. “*all person interested in the objections*”, which by any stretch of imagination, cannot be given any restrictive meaning so as to imply that notice of



objections as per clause (b) needs to be served only upon persons interested being party to the objections. Thus, once the Legislature in its wisdom used a specific term "*all person interested*", assigning of any restrictive meaning thereto to limit it only to the parties to the objections was to go in contradiction with the intent of the legislature itself as otherwise the legislature could have used the term "*Parties to the objections*" instead of "*all persons interested in the objections*".

11. Moreover, a perusal of Sections 5A, 9, 12 and 20 of the Act show that the same have been incorporated with different objects at different stages with one common purpose to safeguard the interest of the landowners, in line with the scheme of the Act which calls for due and proper notice to the "*person interested*" at every step post-initiation of the proposal for acquisition of their land. In the present facts, nothing is available on record to show that any notice under Section 20 (b) of the Act was ever served upon the petitioner against the objections preferred at the instance of his co-sharers in the form of reference (LAC No.163/2018). In such circumstances, the learned Reference Court went wrong in declining the prayer made on behalf of the petitioner for seeking his impleadment in the pending reference. The aforesaid view can be derived from the observations made by this Court in ***Bhag Singh's*** case (supra) and relevant part thereof is reproduced hereunder:-

"Otherwise also, I find in the light of the provisions of Section 20 the Act that if the Land Acquisition Court is, required to cause a notice specifying the day on which it will proceed to determine the objection and directing all "persons interested" to put in appearance before the



Court on that day then how can a person interested with reference to a particular land which has been compulsorily acquired under the Act not come before the Court and claim such notice and be heard.”

12. Moreover, in the absence of there being any evidence available on record to establish that either the petitioner or any of his representatives was present at the time of passing of the award by the LAC or that any notice of such award along with a copy thereof was ever served upon him, the learned Reference Court went wrong while non-suiting the petitioner on the ground of limitation.

13. In view of the aforesaid discussion, the revision petition is allowed; the order dated 13.08.2019 (P-5) passed by the learned Reference Court is hereby set aside and the prayer made by the petitioner seeking impleadment in the reference petition i.e. LAC No.163/2018, titled as **Suraj Bhan and ors. Vs. State of Haryana and ors.** being the “*person interested*” is allowed.

14. Pending misc. application(s), if any, shall also stand disposed of.

10.09.2025
sanjay

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	Yes/No
<i>Whether Reportable</i>	Yes/No