

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-4031-2015(O&M)
Date of decision: 05.09.2022

STATE OF HARYANA & ANR.

..Appellants

Versus

PRITAM SINGH AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Sushil K. Sharma, Advocate
for Mr. Sandeep K. Laura, Advocate
Mr. Shoaib Khan, Advocate
for the landowners.

Mr. Prateek Mahajan, Advocate
Ms. Nikita Goel, Advocate.

ANIL KSHETARPAL, J(Oral)

This Batch of 187 appeals (details whereof are at the foot of the order) has come up for final disposal.

As many as 99 reference petitions filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') were disposed of by the Reference Court (hereinafter referred to as 'the RC') on 12.04.2014.

It has been pointed out that the land in the revenue record is recorded as *Shamlat Patti Saketri Hasab Rasad Zar Khewat*.

Hence, on 08.08.2022, the Municipal Corporation, Panchkula, was added as respondent No.4.

In view of the recent decision of the Supreme Court in **State of Haryana Vs. Jai Singh, 2022 SCC (Online) SC 418**, the primary question which would arise for determination is, "as to whether such land falls within the definition of *Shamlat deh* as defined in Section 2(g) of the Punjab Village

Common Land (Regulation) Act, 1961 (hereinafter referred to as 'the 1961

Act')?’ In fact, this question was never taken up before the RC.

The learned counsel representing the parties are *ad idem* that the aforesaid question shall be required to be decided at the first instance.

Though, under the 1961 Act, the jurisdiction of the Civil Court is barred, however, the land in question now falls within the area of Municipal Corporation, Panchkula. The Gram Panchayats ceases to have any control over the area.

In view of the consensus arrived at, the award passed by the RC is set aside.

The cases are remanded back to the RC for deciding the question as noticed above.

The parties through their counsel directed to appear before the RC on 14.10.2022.

The RC is requested to provide an opportunity to both the parties to file additional pleadings as well as lead evidence before deciding the matter.

It has been noticed that in certain appeals arising from the same batch, the service of notice is not complete. The issue involved in all these cases is identical. Hence, the aforesaid appeals are also disposed of in the same terms with liberty to the unserved respondents to file an application for revival, if aggrieved.

Needless to observe that all the objections/questions shall remain open for adjudication.

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

September 05th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*

Sr. No.	Case No. and Party name
1.	RFA-4031-2015 - STATE OF HARYANA & ANR V/S PRITAM SINGH AND ORS
2.	RFA-4032-2015 - STATE OF HARYANA V/S SHER SINGH (DECEASED) THR LRS. AND ANR.
3.	RFA-4033-2015 - STATE OF HARYANA V/S KARNAIL SINGH AND ORS
4.	RFA-4034-2015 - STATE OF HARYANA V/S RAMZAN MOHAMMAD AND ORS
5.	RFA-4035-2015 - STATE OF HARYANA V/S PRITAM SINGH AND ORS
6.	RFA-4036-2015 - STATE OF HARYANA V/S JARNAIL SINGH AND ORS.
7.	RFA-4037-2015 - STATE OF HARYANA V/S HARMINDER SINGH AND ANR
8.	RFA-4038-2015 - STATE OF HARYANA V/S KARAM SINGH AND ANR.
9.	RFA-4043-2015 - STATE OF HARYANA & ORS V/S BALBIR SINGH AND ANR.
10.	RFA-4044-2015 - STATE OF HARYANA V/S SUCHA SINGH AND ANR.
11.	RFA-4045-2015 - STATE OF HARYANA V/S PARVINDER SINGH @ PALVINDER SINGH AND ANR.
12.	RFA-4046-2015 - STATE OF HARYANA V/S RAM MURTI AND ANR.
13.	RFA-4047-2015 - STATE OF HARYANA V/S BHUPINDER SINGH AND ORS
14.	RFA-4048-2015 - STATE OF HARYANA V/S SURINDER KAUR @ SUMINDER KAUR AND ANR.
15.	RFA-4049-2015 - STATE OF HARYANA V/S HARDEV SINGH AND ORS
16.	RFA-4050-2015 - STATE OF HARYANA V/S SITA (DECEASED) THR LRS. AND ORS
17.	RFA-4051-2015 - STATE OF HARYANA V/S NIRMAL SINGH AND ORS.
18.	RFA-4052-2015 - STATE OF HARYANA V/S GURDEV SINGH AND ORS
19.	RFA-4053-2015 - STATE OF HARYANA V/S JANG SINGH AND ANR.
20.	RFA-4054-2015 - STATE OF HARYANA V/S BALBIR SINGH AND ORS
21.	RFA-4055-2015 - STATE OF HARYANA V/S GURPREET SINGH (DECEASED) THR LR AND ANR.

22.	RFA-4058-2015 - STATE OF HARYANA & ORS V/S PRITAM SINGH AND ANR
23.	RFA-4059-2015 - STATE OF HARYANA & ORS V/S RANJIT SINGH AND ANR.
24.	RFA-4060-2015 - STATE OF HARYANA V/S MOHAN SINGH AND ORS
25.	RFA-4061-2015 - STATE OF HARYANA V/S JAI KISHAN AND ANR.
26.	RFA-4062-2015 - STATE OF HARYANA V/S AVTAR SINGH AND ORS
27.	RFA-4064-2015 - STATE OF HARYANA V/S BALJINDER SINGH AND ANR.
28.	RFA-4067-2015 - STATE OF HARYANA V/S TARSEM SINGH AND ORS
29.	RFA-4070-2015 - STATE OF HARYANA V/S DARBARA SINGH AND ANR.
30.	RFA-4071-2015 - STATE OF HARYANA V/S TARLOCHAN SINGH AND ORS
31.	RFA-4072-2015 - STATE OF HARYANA V/S MEWA SINGH AND ANR
32.	RFA-4073-2015 - STATE OF HARYANA V/S USHA RANI AND ORS
33.	RFA-4074-2015 - STATE OF HARYANA V/S JAGIR SINGH AND ANR
34.	RFA-4075-2015 - STATE OF HARYANA V/S MANGAT AND ANR
35.	RFA-4076-2015 - STATE OF HARYANA V/S RAJINDER SINGH AND ORS
36.	RFA-4077-2015 - STATE OF HARYANA V/S KARAM CHAND AND ORS
37.	RFA-4078-2015 - STATE OF HARYANA V/S SHASHI BALA AND ORS
38.	RFA-4079-2015 - STATE OF HARYANA V/S AJMER SINGH (DECEASED) THR LR AND ANR.
39.	RFA-4080-2015 - STATE OF HARYANA V/S SURJEET KAUR AND ANR.
40.	RFA-4082-2015 - STATE OF HARYANA V/S NAND SINGH AND ANR.
41.	RFA-4083-2015 - STATE OF HARYANA V/S VASDEV AND ANR.
42.	RFA-4084-2015 - STATE OF HARYANA V/S JARNAIL SINGH AND ORS
43.	RFA-4085-2015 - STATE OF HARYANA V/S BABU KHAN AND ANR.
44.	RFA-4086-2015 - STATE OF HARYANA V/S HARPAL SINGH AND ORS
45.	RFA-4087-2015 - STATE OF HARYANA V/S KULDEEP CHAND AND ORS
46.	RFA-4088-2015 - STATE OF HARYANA V/S RATTAN SINGH AND

	ORS
47.	RFA-4089-2015 - STATE OF HARYANA V/S JATINDER KAUR @ BALBIR KAUR AND ANR.
48.	RFA-4090-2015 - STATE OF HARYANA V/S ASHWANI KUMAR AND ORS
49.	RFA-4091-2015 - STATE OF HARYANA V/S RULDA RAM AND ANR.
50.	RFA-4092-2015 - STATE OF HARYANA V/S SMT. KAMLESH AND ORS
51.	RFA-4093-2015 - STATE OF HARYANA V/S JIT SINGH AND ORS
52.	RFA-4094-2015 - STATE OF HARYANA V/S ACHHRU RAM (DECEASED) THR LRS. AND ORS.
53.	RFA-4095-2015 - STATE OF HARYANA V/S JASPAL SINGH AND ORS
54.	RFA-4097-2015 - STATE OF HARYANA V/S SADHU SINGH AND ANR.
55.	RFA-4098-2015 - STATE OF HARYANA V/S JAGAN NATH AND ORS
56.	RFA-4099-2015 - STATE OF HARYANA V/S KULWANT SINGH AND ANR.
57.	RFA-4101-2015 - STATE OF HARYANA V/S GURMUKH SINGH AND ORS
58.	RFA-4102-2015 - STATE OF HARYANA V/S SARWAN SINGH AND ORS
59.	RFA-4103-2015 - STATE OF HARYANA V/S GURMEET SINGH AND ORS
60.	RFA-4104-2015 - STATE OF HARYANA V/S HARMINDER SINGH AND ANR
61.	RFA-4106-2015 - STATE OF HARYANA V/S SHAMSHER SINGH AND ORS
62.	RFA-4110-2015 - STATE OF HARYANA V/S SWARN SINGH (DECEASED) THR. LRS AND ANR.
63.	RFA-4111-2015 - STATE OF HARYANA V/S ANGREJ KAUR AND ORS
64.	RFA-4112-2015 - STATE OF HARYANA V/S JARNAIL SINGH AND ANR.
65.	RFA-4113-2015 - STATE OF HARYANA V/S MANGAT RAM AND ORS
66.	RFA-4114-2015 - STATE OF HARYANA V/S KHUSHAL SINGH AND ORS
67.	RFA-4115-2015 - STATE OF HARYANA V/S NARINDER SINGH AND ORS
68.	RFA-4116-2015 - STATE OF HARYANA V/S NACHHATTAR SINGH AND ORS

69.	RFA-4117-2015 - STATE OF HARYANA V/S BHUPINDER SINGH AND ANR.
70.	RFA-4118-2015 - STATE OF HARYANA V/S DEV RAJ AND ORS
71.	RFA-4119-2015 - STATE OF HARYANA V/S BALDEV SINGH AND ORS
72.	RFA-4122-2015 - STATE OF HARYANA V/S HAR BHAJAN SINGH AND ANR.
73.	RFA-4123-2015 - STATE OF HARYANA V/S PARMINDER SINGH AND ANR.
74.	RFA-4124-2015 - STATE OF HARYANA V/S HARDEV SINGH AND ORS
75.	RFA-4125-2015 - STATE OF HARYANA V/S KARAM SINGH AND ORS
76.	RFA-5850-2014 - SURJEET KAUR V/S STATE OF HARYANA & ANR
77.	RFA-4126-2015 - STATE OF HARYANA V/S SMT. PRITAM KAUR (D) THR LRS. AND ORS
78.	RFA-5851-2014 - BHAJAN SINGH AND ORS. V/S STATE OF HARYANA & ORS
79.	RFA-5852-2014 - MATU V/S STATE OF HARYANA & ANR
80.	RFA-5853-2014 - KARAM SINGH (D) THR LRS. & ORS V/S STATE OF HARYANA & ANR
81.	RFA-5854-2014 - GURMEET SINGH & ANR V/S STATE OF HARYANA & ANR
82.	RFA-5855-2014 - SMT. LABH KAUR AND ORS. V/S STATE OF HARYANA & ANR
83.	RFA-4127-2015 - STATE OF HARYANA V/S BACHAN KAUR AND ORS
84.	RFA-5856-2014 - KULWANT SINGH V/S STATE OF HARYANA & ANR
85.	RFA-5857-2014 - KARNAIL SINGH & ANR V/S STATE OF HARYANA & ANR
86.	RFA-5858-2014 - CHARAN SINGH & ANR V/S STATE OF HARYANA & ORS
87.	RFA-5859-2014 - BALBIR SINGH V/S STATE OF HARYANA & ANR
88.	RFA-5860-2014 - RAJINDER SINGH & ANR V/S STATE OF HARYANA & ANR
89.	RFA-4128-2015 - STATE OF HARYANA V/S PRITPAL SINGH AND ANR.
90.	RFA-5861-2014 - RULDA SINGH V/S STATE OF HARYANA & ANR

91.	RFA-5862-2014 - NACHHATTER SINGH & ANR V/S STATE OF HARYANA & ANR
92.	RFA-5863-2014 - GURMUKH SINGH & ORS V/S STATE OF HARYANA & ANR
93.	RFA-5864-2014 - DAMANJEET KAUR V/S STATE OF HARYANA & ANR
94.	RFA-5865-2014 - MOHAN SINGH & ANR V/S STATE OF HARYANA & ANR
95.	RFA-5866-2014 - MAKHAN SINGH & ORS. V/S STATE OF HARYANA & ANR
96.	RFA-4129-2015 - STATE OF HARYANA V/S PRADUMAN AND ORS.
97.	RFA-5868-2014 - AVTAR SINGH & ANR V/S STATE OF HARYANA & ANR
98.	RFA-5867-2014 - GURPREET SINGH & ORS V/S STATE OF HARYANA & ANR
99.	RFA-5869-2014 - PARVINDER SINGH@PALVINDER SINGH V/S STATE OF HR & ANR
100.	RFA-5870-2014 - SMT. AMAR KAUR AND ORS V/S STATE OF HARYANA & ANR
101.	RFA-5871-2014 - AMAR SINGH & ORS V/S STATE OF HARYANA & ANR
102.	RFA-5872-2014 - DEV RAJ & ORS. V/S STATE OF HARYANA & ANR
103.	RFA-5873-2014 - JARNAIL SINGH V/S STATE OF HARYANA & ANR
104.	RFA-5874-2014 - JIT SINGH (D) THR LRS. AND ORS V/S STATE OF HARYANA & ANR
105.	RFA-5875-2014 - SADHU SINGH V/S STATE OF HARYANA & ANR
106.	RFA-5876-2014 - RATTAN SINGH & ORS V/S STATE OF HARYANA & ANR
107.	RFA-5877-2014 - RANJIT SINGH V/S STATE OF HARYANA & ANR
108.	RFA-5878-2014 - JARNAIL SINGH & ORS V/S STATE OF HARYANA & ANR
109.	RFA-5879-2014 - GURMUKH SINGH AND ORS V/S STATE OF HARYANA & ORS
110.	RFA-6137-2014 - BACHAN KAUR & ORS V/S STATE OF HARYANA & ANR
111.	RFA-6621-2014 - KARNAIL SINGH & ORS V/S STATE OF HARYANA & ANR.
112.	RFA-6835-2014 - ANGREJ KAUR AND ORS V/S STATE OF HARYANA AND ANR

113.	RFA-6836-2014 - KARAM CHAND AND ORS V/S STATE OF HARYANA AND ORS
114.	RFA-6837-2014 - PARDUMAN SINGH AND ORS V/S STATE OF HARYANA & ANR
115.	RFA-6838-2014 - GURJIT SINGH V/S STATE OF HARYANA & ORS
116.	RFA-6839-2014 - BALDEV SINGH AND ANR. V/S STATE OF HARYANA & ORS
117.	RFA-6840-2014 - RAM KARAN & ORS V/S STATE OF HARYANA & ORS
118.	RFA-6841-2014 - PRITAM SINGH AND ORS V/S STATE OF HARYANA AND ANR
119.	RFA-6842-2014 - HARDEV SINGH AND ORS V/S STATE OF HARYANA & ORS
120.	RFA-6843-2014 - BHUPINDER SINGH AND ORS V/S STATE OF HARYANA & ORS
121.	RFA-6844-2014 - MOHAN SINGH AND ORS V/S STATE OF HARYANA AND ANR
122.	RFA-6845-2014 - PRITPAL SINGH AND ANR. V/S STATE OF HARYANA AND ANR
123.	RFA-6846-2014 - HARMINDER SINGH & ANR V/S STATE OF HARYANA AND ANR
124.	RFA-6847-2014 - SMT. KANTA DEVI V/S STATE OF HARYANA & ANR
125.	RFA-6848-2014 - ASHWANI KUMAR & ORS V/S STATE OF HARYANA AND ANR
126.	RFA-6849-2014 - RAVI NANDAN & ORS V/S STATE OF HARYANA & ANR
127.	RFA-6850-2014 - BALDEV SINGH & ORS V/S STATE OF HARYANA & ORS
128.	RFA-6851-2014 - JAGAN NATH AND ORS V/S STATE OF HARYANA AND ANR
129.	RFA-6852-2014 - CHARANJIT KAUR V/S STATE OF HARYANA AND ORS
130.	RFA-6853-2014 - KULWANT SINGH & ORS V/S STATE OF HARYANA & ORS
131.	RFA-6854-2014 - KHUSHAL SINGH AND ANR V/S STATE OF HARYANA & ANR
132.	RFA-6855-2014 - HARDEV SINGH & ANR V/S STATE OF HARYANA & ANR
133.	RFA-6856-2014 - SMT. KAMLESH & ANR V/S STATE OF HARYANA

	& ANR
134.	RFA-6857-2014 - JATINDER KAUR @BALBIR KAUR V/S STATE OF HR & ANR
135.	RFA-6858-2014 - KARAM SINGH V/S STATE OF HARYANA & ANR
136.	RFA-6859-2014 - RAJINDER KUMAR & ANR V/S STATE OF HARYANA & ANR
137.	RFA-6860-2014 - BALJINDER SINGH V/S STATE OF HARYANA & ANR
138.	RFA-6861-2014 - NARINDER SINGH & ANR V/S STATE OF HARYANA & ANR
139.	RFA-6862-2014 - BABU KHAN V/S STATE OF HARYANA & ANR
140.	RFA-6863-2014 - VASDEV V/S STATE OF HARYANA & ANR
141.	RFA-6864-2014 - JANG SINGH V/S STATE OF HARYANA & ANR
142.	RFA-6865-2014 - HARBHAJAN SINGH V/S STATE OF HARYANA & ANR
143.	RFA-6866-2014 - JAGIR SINGH V/S STATE OF HARYANA & ANR
144.	RFA-6867-2014 - BALJINDER SINGH V/S STATE OF HARYANA & ANR
145.	RFA-6868-2014 - SHASHI BALA & ANR V/S STATE OF HARYANA & ANR
146.	RFA-7344-2014 - KULDEEP CHAND & ORS V/S STATE OF HARYANA & ANR
147.	RFA-7905-2014 - NIRMAL SINGH V/S STATE OF HARYANA & ANR
148.	RFA-7906-2014 - CHARAN KAUR & ORS V/S STATE OF HARYANA & ANR
149.	RFA-7907-2014 - BANT SINGH & ORS V/S STATE OF HARYANA & ANR
150.	RFA-7908-2014 - NIRMAL SINGH @ NIRMAIL SINGH & ORS V/S STATE OF HARYANA & ANR
151.	RFA-8091-2014 - BALJIT KAUR & ORS V/S STATE OF HARYANA & ORS
152.	RFA-8521-2014 - TARSEM SINGH & ORS V/S STATE OF HARYANA & ANR
153.	RFA-8530-2014 - HAMID & ORS V/S STATE OF HARYANA & ANR
154.	RFA-9598-2014 - DARBARA SINGH V/S STATE OF HARYANA & ANR
155.	RFA-9599-2014 - SUCHA SINGH V/S STATE OF HARYANA & ANR
156.	RFA-10340-2014 - PARVINDER SINGH V/S STATE OF HARYANA & ANR
157.	RFA-134-2015 - NAND SINGH V/S STATE OF HARYANA & ANR

158.	RFA-135-2015 - MEWA SINGH V/S STATE OF HARYANA & ANR
159.	RFA-906-2015 - HARPAL SINGH V/S STATE OF HARYANA & ORS
160.	RFA-2675-2015 - CHARANJIT KAUR & ORS V/S STATE OF HARYANA & ANR
161.	RFA-3599-2015 - TARLOCHAN SINGH & ANR V/S STATE OF HARYANA AND ORS
162.	RFA-5936-2015 - BALBIR SINGH AND ORS V/S STATE OF HARYANA AND ANR
163.	RFA-7460-2015 - MANGAR RAM & ORS. V/S STATE OF HARYANA & ANR.
164.	RFA-998-2016 - GURBAX SINGH (D) THR LRS. AND ANR V/S STATE OF HARYANA & ANR
165.	RFA-8164-2014 - NAZAR SINGH & ORS V/S STATE OF HARYANA & ANR
166.	RFA-3139-2018 - MOHINDER SINGH & ORS. V/S STATE OF HARYANA AND ANR.
167.	RFA-2674-2015 - DHIAN SINGH & ORS V/S STATE OF HARYANA & ANR
168.	RFA-4039-2015 - STATE OF HARYANA & ORS V/S ABHEY RAM AND ORS
169.	RFA-4040-2015 - STATE OF HARYANA & ORS V/S NASIB KAUR AND ANR.
170.	RFA-4041-2015 - STATE OF HARYANA AND ORS V/S MOHAN SINGH AND ORS
171.	RFA-4042-2015 - STATE OF HARYANA V/S BABU AND ORS
172.	RFA-4056-2015 - STATE OF HARYANA V/S MATU AND ANR.
173.	RFA-4057-2015 - STATE OF HARYANA V/S GURBAX SINGH (D) THR LRS. AND ANR
174.	RFA-4063-2015 - STATE OF HARYANA V/S LABH SINGH AND ORS
175.	RFA-4065-2015 - STATE OF HARYANA V/S NIRMAL SINGH AND ORS
176.	RFA-4066-2015 - STATE OF HARYANA V/S BALDEV SINGH (D) THR LRS AND ANR.
177.	RFA-4068-2015 - STATE OF HARYANA V/S RAVI NANDAN AND ORS
178.	RFA-4069-2015 - STATE OF HARYANA V/S KARTAR SINGH AND ORS
179.	RFA-4081-2015 - STATE OF HARYANA V/S DHARAM SINGH AND ORS

180.	RFA-4096-2015 - STATE OF HARYANA V/S BACHANI DEVI (D) THR LRS. AND ORS
181.	RFA-4100-2015 - STATE OF HARYANA V/S PAL SINGH AND ORS
182.	RFA-4107-2015 - STATE OF HARYANA V/S DHIAN SINGH AND ORS
183.	RFA-4108-2015 - STATE OF HARYANA V/S BANT SINGH AND ORS
184.	RFA-4109-2015 - STATE OF HARYANA V/S MOHINDER SINGH AND ORS
185.	RFA-4120-2015 - STATE OF HARYANA V/S HARMET SINGH AND ORS
186.	RFA-4105-2015 - STATE OF HARYANA V/S SMT. KANTA DEVI AND ANR
187.	RFA-4121-2015 - STATE OF HARYANA V/S JASPAL SINGH AND ORS

(ANIL KSHETARPAL)
JUDGE