

2025:PHHC:165531



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

**CR-8496-2017 (O&M)
Decided on:-26.11.2025**

Ramesh Singh

....Petitioner..

VS.

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. R.S.Manhas, Advocate,
for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 05.05.2017 passed by the learned Additional District Judge-cum-Reference Court, Pathankot, whereby, a reference petition preferred under Section 18 of the Land Acquisition Act, 1894, at the instance of petitioner-landowner, was declined.

2. Compliance report by way of affidavit of Mr. Sanjeev Pathania, Land Acquisition Officer, RSD Project, Shahpurkandi, Tehsil & District Pathankot on behalf of respondents No.1 and 2 has been filed in Court today and the same is taken on record.

3. A perusal of the record shows that the reference petition preferred at the instance of petitioner-landowner was declined by the ld.

Reference Court with the apprehension that the same was not forwarded by

the Land Acquisition Collector to the Id. District and Sessions Judge. Relevant observations made by the Id. Reference Court in its order dated 05.05.2017 are extracted hereunder:-

“It has to be seen who had filled in the necessary form-7 and who had signed or forged the signatures of Land Acquisition Officer. It has to be seen further whether any such application for seeking reference to learned District and Sessions Judge under Section 18 was filed within 42 days from the date of notification or passing of the award or from the communication of the passing of the award to the claimants and apparently the application is a photocopy wherein the necessary details have been filled in in black ink and stamp imposed on such reference does not relate back to the year 1998. It appears that stamp in question which is placed on the application was not printed during those day and it is a recent printing. As such, it appears an attempt to put up the documents or file a reference by deceitful manner and by forging the document outside the Court for which there is no requirement under law for this Court to file a complaint and there is no bar under Section 195 of CrPC and as such under the facts and circumstances of the case it would be incumbent upon the SSP Pathankot to register FIR and to investigate all the facts and to take action appropriately. Application for registration of the FIR is already pending before the SSP Pathankot moved by the concerned department on 03.05.2017. Under the facts and circumstances, I find the present reference not validly instituted and not maintainable and is therefore, is dismissed. Copy of this order be sent to the SSP Pathankot through proper channel for taking appropriate action under intimation to this court. File be consigned to the records.”

4. Aggrieved of the order dated 05.05.2017, the petitioner approached this Court by way of present revision petition, wherein on 18.12.2017, this Court passed the following order:-

“Learned counsel contends that the learned Additional District Judge dismissed the reference under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act'), by recording a finding that the same was forged and fabricated and had not been referred by the office of the Collector to the District Judge, without summoning the dispatch register from the office of the Collector, which alone could have established as to whether the reference submitted by the petitioner had been forwarded by the Collector to the office of the District Judge or not.

Notice of motion on the aforementioned limited aspect of the matter.

Mr. Anmol Sandhu, AAG, Punjab, who is present in

Court, accepts notice on behalf of the respondents. Copy of the revision petition be supplied to the learned State counsel.

List on 22.2.2018.

Learned State counsel shall also produce the register, maintained by the office of the Collector acknowledging receipt of applications by land owners, seeking reference of their claim under Section 18 of the Act, to the District Judge, pertaining to the year 1998, when the petitioner alleges that he had filed the application seeking a reference."

4.1 Later, on 01.03.2019, the following order was passed:

"Cost(s) of Rs.5,000/- imposed by this Court on 05.02.2019 has been deposited in the High Court Lawyers Welfare Fund.

There is a clerical error in the order dated 05.02.2019. In fact entry No.1059 has to be shown in place of entry No.1057. Entry No.1059 relates to the petitioner.

Perusal of the original record would show that against entry No.1058, the reference of once returned and then received back was made on 15.07.2008. The endorsement was also made by the office. It appears that against entry No.1059, initially entry (") was made, suggesting continuation of entry No.1058, but thereafter, there is super-imposition over the sign (") with some different ink which is apparent even from naked eyes.

Mr. Saurabh Arora, SDM (C) who is present in Court states that he has recently joined the post of SDM (C). He assures this Court that he will positively look into the matter and submit his fact finding report before this Court within three weeks from today.

Original register be returned to Mr. Saurabh Arora SDM (C) after retaining a photostat copy of the relevant page.

Adjourned to 26.03.2019."

4.2 In terms thereof, the then SDM (Civil) Dharkalan filed his report (Annexure R-1) and a conclusion thereof is extracted hereunder:-

"After thorough scrutiny of statements of Officials and Officers, documents submitted and record available in this office, it can be concluded that:-

1. As far as cutting against Sr. No. 1059 in the reference register is concerned, in this regard Sh. Vijay Kumar, Senior Assistant Retired in his statement has stated that references from Sr. No. 1 dated 17.05.1996 to Sr. No. 73 dated 20.08.1998 have been entered by him and out these cases the cases which were complete, were sent to the concerned Court. The cases which were incomplete, the same were returned to the concerned counsel vide this office letter No. 285 dated 04.07.2000, letter No. 662 dated 06.11.1998 and letter No. 136 dated 30.03.2000. Out of these

returned cases, the complete cases which were received back, the same were sent to the concerned court by the Land Acquisition Office, RSD-Shahpurkandi Township. In addition to this, "Return" which has been written in the register against Sr. No. 1059 dated 18.08.1998, the same has been written by him and case at Sr. No. 1058 dated 06.08.2008 has been sent to the concerned Court. Cases entered at Sr. No. 1060, 1061, 1062 were returned to the concerned counsels.

The dispatch register of year 2003 to 2008 which was presented by Clerk Smt. Praveen Lata was thoroughly scrutinized and it was found that the cases relating to Sr.No. 1058, Sr.No 1063 and 1064 of reference register were sent to Hon'ble District and Sessions Judge vide dispatch numbers of Land Acquisition Office 99-100 dated 06.08.2008 and 133-34 dated 22.10.2008 respectively.

2. As far as letter (Annexure-II) sent by Land Acquisition Officer to Hon'ble District & Sessions Judge is concerned, Sh. Mukhtiar Singh, Ex-Naib Tehsildar-cum-Land Acquisition Officer, Ranjit Sagar Dam, RSD-Shahpurkandi Township, presently Naib Tehsildar Bhadson (Nabha) in his statement has made it clear that he had not sent any reference u/s 18 to the Hon'ble District & Session Judge Pathankot during his posting (from 06.09.2016 to 05.12.2016)."

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

6. A perusal of fact finding report submitted by SDM, Dharkalan shows that the case related to Sr. No.1058; which pertained to the petitioner-landowner was duly dispatched to the Court of Id. District and Sessions Judge-cum-Reference Court, vide dispatch No.99-100 dated 06.08.2008 and as such, in this view of the matter, the Id. Reference Court instead of apprehending about its receipt, was required to adjudicate upon the same on merits after framing of issues and affording opportunity to both the sides to lead their respective evidence.

7. In such circumstances, the impugned order dated 05.05.2017 passed by the learned Reference Court is hereby, set aside and the matter is remanded back to the Id. Reference Court for its fresh adjudication in accordance with law.

7.1 Considering the fact that the acquisition in the present case commenced vide notification dated 07.08.1995, the ld. Reference Court is requested to expedite the adjudication and conclude the same within six months from today.

8. Pending applications, if any, also stand disposed of.

26.11.2025
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No