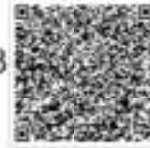


2026.PHHC:019663



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

Decided on:-06.02.2026

1. CR-3706-2017 (O&M)

Gram Panchayat of Village ToranPetitioner.

vs.

Nanak Chand (since deceased) thr. his Lrs. and ors.Respondents.

2. CR-6206-2018 (O&M)

Deputy Commissioner, Panchkula and anr.Petitioners.

vs.

Nanak Chand (deceased thr. LRs. and others)Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sukesh Kumar Jindal, Advocate,
for the petitioner (in CR-3706-2017) and
for respondent No.13 (in CR-6206-2018).

Mr. Sharad Aggarwal, Add. A.G. Haryana with
Ms. Komal Sharma, DAG, Haryana
for respondents No.15 and 16 (in CR-3706-2017) and
for the petitioners (in CR-6206-2018).

Mr. Kamal Chaudhary, Advocate,
for respondents No.1 to 12 (in CR-3706-2017 &
CR-6206-2018) .

Mr. Sushil Kumar Sharma, Advocate for
Mr. M.L. Sharma, Advocate,
for respondents No.13 and 14 (in CR-3706-2017) and
for respondent No.14 (in CR-6206-2018).

HARKESH MANUJA J. (Oral)

1. This common judgment shall dispose of the aforementioned two revision petitions, as both involve common question of law and facts.

1.1 For convenience, the facts are being taken from CR-3706-2017 (O&M).

2. By way of present revision petition, challenge has been laid to an order dated 05.04.2017 passed by the Court of learned Additonal District Judge, Panchkula (for short, "Reference Court"), whereby, the revenue officials were directed to complete/prepare the list of proprietors of village Toran, Tehsil Kalka, District Panchkula and submit the same before the learned Reference Court.

3. In the present case, the dispute arises out of a reference petition filed under Section 30 of the Land Acquisition Act, 1894 (hereinafter referred to as "1894 Act"), at the instance of private respondents while claiming themselves to be the proprietors of village Toran and seeking apportionment of compensation. The land was acquired vide notifications dated 30.05.2013 and 20.05.2014, issued under Sections 4 and 6, respectively of the 1894 Act, for the public purpose namely, utilization of land for periphery road approaching Sectors 2, 3, 4 and 5, Pinjore-Kalka Urban Complex, Panchkula, followed by an award No.1 dated 28.05.2015. The private respondents sought reference under Section 30 of the 1894 Act seeking apportionment of compensation as against the petitioner-Gram Panchayat, which was reflected as owner in the revenue record. In the reference petition the following issues were framed on 23.12.2016:-

"1. Wether the petitioner have right to apportion the compensation amount under section 30 of the Land Acquisition

Act? OPP

2. *Whether the petitioner never relinquished their rights qua the acquired land in favour of respondent no.4 by executing General Power of Attorney? OPP*

3. *If issue no.2 is proved in favour of respondent no.4 as to whether respondent no.4 has right to apportion the compensation amount? OPR*

4. *Whether the petition is not maintainable? OPR*

5. *Whether the petitioners have no cause of action? OPR*

6. *Relief.”*

3.1 In view thereof, the private respondents-proprietors moved an application before the learned Reference Court for issuance of directions to the Tehsildar and Assistant Collector Ist Grade, Kalka for preparation and submission of *Farisat Haq-Daran*”/Hissa Kassi/ share-cum-list of the proprietors of the village Toran, Tehsil Kalka, District Panchkula. The prayer made in the said application was opposed at the instance of the Gram Panchayat while submitting that the acquired land was *sham lat deh* and was so recorded in the revenue records and thus belonged to the Gram Panchayat, which was exclusively entitled to the award of compensation and the private respondents-proprietors had no right therein. The learned Reference Court vide order dated 05.04.2017 allowed the prayer made on behalf of the private respondents-proprietors and directed the revenue officials to prepare and submit requisite document i.e. *farisat haq-daran/ hissa kassi*/share-cum-list of the proprietors of village Toran, Tehsil and District Panchkula.

4. By way of present revision petitions, the order dated 05.04.2017 passed by the learned Reference Court has been assailed.

5. Impugning the aforesaid order, learned counsel for the petitioner submits that once the private respondents were the applicants in the reference petition under Section 30 of the 1894 Act, they were required to first prove their entitlement and ownership over the acquired land and unless the same was established, there was no question of calling upon the revenue officials to provide the list of proprietors or their share holdings. He also submits that the private respondents being the applicants, the primary burden always lay upon them to establish their claim rather than taking assistance of the learned Trial Court to begin with their evidence. He thus submits that the impugned order was liable to be set aside. No other point was argued.

6. On the other hand, learned State counsel submits that in compliance of the order passed by the learned Reference Court, the Tehsildar Kalka has already furnished his affidavit dated 08.12.2017 along with the complete list of proprietors of village Toran before the learned Reference Court.

7. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

8. As per the settled procedure, the entire evidence on all the issues has to be led in one go rather than in piecemeal manner; unless the Court concerned decides to treat any particular issue as a preliminary one. In such circumstances, it would not have been justified on the part of the learned Reference Court to have first decided the issue of ownership of the property and then only to have permitted the private respondents to lead

evidence regarding they being proprietors of the village Toran or even regarding their respective share holdings in the estate. Even otherwise, the list of proprietors in any case is to come from the custody of the revenue officials which the learned Reference Court had directed them to produce. As pointed out by learned State counsel, the requisite document been prepared has even been made part of the records of the learned Reference Court by the concerned Tehsildar through his affidavit dated 08.12.2017. Moreover, since the private respondents while claiming themselves to be proprietors of the revenue estate of village Toran have preferred the reference petition invoking Section 30 of the 1894 Act and seeking apportionment of compensation, list of proprietors shall be essential and relevant for the purpose of adjudication of the case in hand so as to establish the locus of the private respondents and thus would help the learned Reference Court to decide the reference petition effectively.

9. In view of the above, in the humble opinion of this Court, the discretion exercised by the learned Reference Court being within the premise of four corners of law, calls for no interference and present revision petitions being devoid of merits stand dismissed.

10. Pending application, if any, also stands disposed of.

06.02.2026
sonika

(HARKESH MANUJA)
JUDGE

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