

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 11380 of 2020 (O&M)
Reserved On: 24.12.2025
Pronounced On: 28.01.2026
Uploaded On: 28.01.2026

Sadhu Singh

..... Petitioner

Versus

Amarjit Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Argued By:- Mr. B.S. Jatana, Advocate, for the petitioner.

Mr. Ramanjeet Singh, Advocate
for respondent No. 1.

HARKESH MANUJA, J.

By way of present writ petition, challenge has been laid to the decision dated 05.02.2020 (Annexure P-8) passed by the learned Additional District Judge, Mohali (**hereinafter to be referred as “Reference Court”**) whereby petition preferred under Section 3H (4) of the National Highway Act, 1956 (**for short ‘the Act’**) at the instance of petitioner/land owner was dismissed.

[2] Briefly stating, one Chuhar Singh owned 91 Kanal 02 Marlas in the revenue estate of Village Singhpura Hadbast No.111, Tehsil Kharar, District Mohali. Chuhar Singh had 05 sons and one daughter. Pedigree table to this effect is extracted hereunder:-

Chuhar Singh (Total land 151-17)					
Kahan Singh (died) His share came to Maha Singh and Basant Kaur vide Mutation No.758	Naranjan Singh (died) His share came to Maha Singh and Basant Kaur vide Mutation No.704	Maha Singh	Basant Kaur	Shyam Singh	Jata Singh
Maha Singh (3/5 share (91 K-2M)			Chranjeet Singh	2/5 Share (60K-15M)	

[3] After the death of Chuhar Singh, land was recorded in the name of his 05 sons with 1/5th share each. Thereafter, upon death of Kahan Singh and Naranjan Singh, their 1/5th share each was muted in the name of their heirs namely Maha Singh and Basant Kaur, respectively. By virtue thereof, Maha Singh became owner to the extent of 2/5th share in total.

[4] Later, around 07 kanals 13 marlas of land of the joint holdings, comprised in rectangle No.16 i.e. Kh/Kh No.33/50, 51 Khasra No.16//10/2min(3-11), 16//10/2min(3-11), [16//1010/1(0-18), 10/2(6-13), 11(0-2) came to be acquired vide notifications dated 24.06.2014 and 07.11.2014 under Section 3-A(1) and Section 3-D (1) of the Act. Revised award under Section 3(G) of the Act was passed on 28.07.2015.

[5] The grouse of the petitioner-Sadhu Singh who happened to be the son of Gurdev Singh son of Dalip Singh was that his grand-father-Dalip Singh had purchased 28 kanals 08 marlas of land from Maha Singh and Basant Kaur vide registered sale deed dated 15.07.1968 and thus, were entitled for the award of compensation as per the share. However, on the other hand, claim set up by respondent No.1-Amarjit Kaur was that she had purchased 04 kanals 14 marlas of land and 05 kanals 12.5 marlas of land from Charanjit Singh son of Basant Kaur vide two separate registered sale deed dated 07.08.2012 and 27.07.2015 and was thus, rightly awarded compensation as per her share in the acquired land. Aggrieved thereof, petitioner preferred petition under Section 3H (4) of the Act which came to be dismissed upon trial vide impugned decision dated 05.02.2020.

[6] Learned counsel for the petitioner submitted that out of the total land holding of Chuhar Singh, one of his son Maha Singh inherited 2/5th share whereas Basant Kaur inherited 1/5th share. However, both of them

sold their entire share vide 08 different registered sale deed executed between 30.05.1962 till 15.07.1968 on different dates and thus as on the date when sale by Charanjit Singh son of Basant Kaur was made in favour of respondent No.1-Amarjit Kaur, he already had no rights or interest in the subject land and as such, no rights flow infavour of respondent No.1-Amarjit Kaur on the basis of sale deeds dated 07.08.2012 and 27.07.2015. Learned counsel for the petitioner also submitted that the learned Reference Court went wrong having discarded the registered sale deeds on the ground that aforementioned 08 different sale deeds were not proved on record as per the law of evidence. He further submits that in terms of Section 3 (H) read with Section 3(I) of the Act, the proceedings of apportionment were to be adjudicated upon by following the principles of natural justice rather than applying the strict principles of the Code of Civil Procedure or even those of the Indian Evidence Act. He also submits that *dehors* the proof of aforementioned 08 sale deeds, Charanjit Singh son of Basant Kaur not been left with any share in the joint property, which was duly established by the order dated 22.03.2002 passed by the learned Assistant Collector, Second Grade, Kharar and therefore, the impugned order was liable to be set aside.

[7] On the other hand, learned counsel for respondent No.1 while relying upon the reasoning and findings recorded by the learned Reference Court in its order dated 05.02.2020 submitted that in the absence of any valid proof of aforementioned 08 different sale deeds, it was nowhere established from the record that Charanjit Singh who happened to be the vendor of respondent No.1 had no right left with him at the time of two alienations made on 07.08.2012 and 27.07.2015. He also pointed out that both the aforementioned sale deeds were followed by entry of mutation in

the name of respondent no. 1 which was never ever assailed by the petitioner or his father and in such circumstances, respondent No.1 being the *bonafide* purchaser of the land was entitled for award of compensation as proportionate to her share of joint land holdings and hence, the petition was liable to dismissed.

[8] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

[9] A perusal of record shows that qua the subject property, a partition application No. 28 dated 14.09.1999 was filed at the instance of Charanjit Singh -predecessor in interest of respondent no. 1. Based on the report submitted by the Halka Patwari, the said application was dismissed by the Assistant Collector II Grade–Tehsildar Kharar, vide order dated 22.03.2002 while recording that Charanjit-applicant was left with no share in the subject land as his ancestors have already sold their entire share. The operative portion thereof is reproduced here under:-

“ Both the parties and their respective advocated are heard. The record on the file is perused. After going through the same I came to a conclusion that as per the report of HALKA PATWARI in which it is recorded that according to the revenue record, the petitioner is left with no share in the land and his ancestors have already sold their entire share in land and different persons are in possession of land, is correct. The counsel representing the respondent no.7 has also agreed with said report to be correct. Therefore the application for partition filed by the petitioner is dismissed. The file after completion be consigned to the record room.

Dated: 22.03.2002

-sd/-

*Assistant collector IInd Grade/Tehsildar
Kharar: 22.03.2002”*

The aforementioned order dated 22.03.2002 was proved on record before the learned Reference Court as Ex. P5. However, the same was wrongly discarded merely by recording that the certified copy thereof was not produced. It has not been noticed in the impugned order as to whether any objection with respect to the mode of proof or admissibility of the copy of order dated 22.03.2002 produced before the Reference Court was ever raised by respondent no.1, as such the finding recorded by the learned Reference Court below to the aforesaid effect was unsustainable.

[10] Therefore, once in the year 2002, Charanjit Singh, vendor of respondent no. 1 was recorded to be not left with any share in the subject land, then any sale made thereafter in her favour was of no consequence. As per settled proposition of law, no vendor can alienate any title better than vested in him/her. In such circumstances, mere fact that two sale deeds dated 07.08.2012 and 27.07.2015 were executed in favour of respondent no.1, by her vendor, even followed by mutation, the same never created any right title or interest in her favour qua the subject land. The mere fact that the revenue entry is recorded in the name of respondent No. 1 on the basis of purchase, which were not got corrected by the petitioner, was not sufficient to create any right in her favour as it is settled law that mutation itself does not create any right title or interest in the property. If at all, since respondent No. 1 was claiming herself to be a *bona fide* purchaser of the subject property based on the incorrect revenue entries, against payment of valuable sale consideration, she was at liberty to stake her claim against her vendor by filing a suit for recovery by way of damages, thereby, without affecting the rights of the petitioner towards award of compensation against his acquired land. Furthermore, as per the records, neither the five sale deeds, nor even the

mutation entered on 09.04.1969, in favour of the predecessor in interest of the petitioner been based upon such sale deeds in their favour was never assailed at the instance of the vendor of respondent no. 1.

[11] In view of the discussion made hereinabove, the findings recorded in the impugned award based on improper appreciation of the material evidence available on record is hereby set aside. The present writ petition is **allowed**. The petitioner shall be entitled for award of compensation against acquisition of his land as prayed for in his petition under section 3H(4) of the National Highways Act, 1956.

[12] Pending miscellaneous application(s), if any, shall also stand disposed off.

January 28, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No