



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11737-2026 (O&M)

Gurdeep Singh and anotherPetitioner

Versus

State of Punjab and othersRespondents

Judgment Reserved on	Judgment Pronounced on	Judgment Uploaded on	Whether only the operative part of the judgment is pronounced	Whether the full judgment is pronounced
12.05.2026	29.05.2026	01.06.2026	No	Yes

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. Kunal Mulwani, Advocate and
Mr. Aayush Arora, Advocate for the petitioners.

Mr. A.S.Khara, Senior Deputy Advocate General, Punjab.

Mr. Maninder Singh Garcha, Senior Advocate with
Ms. Mehak Kanwar, Advocate
for respondents No.2 and 4 – GMADA.

Mr. Amit Jhanji, Senior Advocate with
Mr. Mandeep Singh Gill, Advocate and
Ms. Priyanka Kausal, Advocate for respondent No.5.

SUVIR SEHGAL, J.

CM-7580-CWP-2026

Application is allowed as prayed for.

Short reply filed by way of affidavit of respondent No.5 along
with the annexures appended thereto, is taken on record.

CM-6601-CWP-2026



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Application is allowed as prayed for.

Speaking order dated 10.04.2026 is taken on record as Annexure P-35.

Main Case

1. This petition has been filed, *inter alia*, for issuance of a writ of certiorari for quashing order dated 04.02.2026, Annexure P-18, passed by the Land Acquisition Collector, SAS Nagar Mohali, whereby an application filed by petitioners under Sections 76 and 77 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (for short 'the Act of 2013'), seeking reference of dispute regarding entitlement/apportionment of compensation and allied benefits, has been rejected by the Land Acquisition Collector. Challenge has also been laid to consequential letters of intent (LOI) issued in favour of respondent No.5 under the Land Pooling Scheme.

2. Facts in brief deserve to be noticed. Respondent No.5 is the legal heir of Attar Singh, who had entered into agreements to sell dated 20.12.2005 and 15.02.2006 respectively, with the petitioners with respect to agricultural land. A sale deed dated 22.02.2006, Annexure P-5, came to be executed in favour of the petitioners during the lifetime of Attar Singh. The said transactions became subject matter of litigation. In contempt proceedings arising out of an interim order passed in RSA-1247-1999, titled as *Karora Singh and others vs. Attar Singh and others*, this Court vide order dated 30.05.2008, Annexure P-6, directed the cancellation of the sale deed. While doing so, this Court specifically ordered that agreements to sell entered into by late Attar Singh in favour of purchasers "shall remain intact but in abeyance"



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leaving it open to the petitioners to seek enforcement thereof after the decision of the second appeal and/or vacation of injunction order. RSA was dismissed as withdrawn on 03.09.2025. Thereafter, petitioners instituted a suit for specific performance on the strength of both the agreements to sell. During the pendency of the civil suit, acquisition proceedings under the Act of 2013 culminated in the passing of an award dated 08.01.2021, Annexure P-12. Respondent No.5 opted for allotment of plots under the land pooling scheme of the Government of Punjab, in lieu of monetary compensation. Petitioners moved an application dated 06.10.2025, Annexure P-14, under Sections 76 and 77 of the Act of 2013, seeking apportionment and reference of the dispute to the competent Court on the ground that they had enforceable rights flowing from the agreements to sell which have been protected by an order passed by this Court. The grievance of the petitioners is that instead of making a reference, Land Acquisition Collector has himself adjudicated upon the rival claims and rejected the application vide impugned order dated 04.02.2026, Annexure P-18, primarily on the ground that the civil suit filed by the petitioners has been rejected under Order 7 Rule 11 CPC.

3. Mr. Chetan Mittal, learned senior counsel for the petitioners urges that the Collector acted wholly without jurisdiction as dispute regarding entitlement and apportionment had been raised by the petitioners, the only course available under Sections 76 and 77 of the Act of 2013 was to make a reference to the competent authority. He has contended that the Collector has no adjudicatory role while exercising powers under the reference provisions. Reliance has been placed by him upon (i) **Govindbhai Ambalal Patel and another vs. State of Gujarat and others, Law Finder Docket ID #**



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402183; (ii) K. Muralidhar Reddy vs. N. Subhashini Reddy and others, Law Finder Docket ID # 2834230; (iii) Arulmighu, Lakshminarasimhaswamy Temple Singrigudi vs. Union of India, (1996) 6 SCC 408; (iv) Prasada Rao Mikkilineni and others vs. State of AP and others, (2000) 9 SCC 371; and (v) Savita Sharma vs. State of Haryana and others, Law Finder Docket ID # 1686998.

4. Opposing him, Mr. Maninder S. Garcha, Senior Advocate, who is appearing for respondents No.2 and 4, GMADA and Shri A.S.Khara, Senior Deputy Advocate General, Punjab, have supported the impugned order. They have pointed out that subsequently a speaking order dated 10.04.2026, Annexure P-35 has been passed by the Collector on an application made by respondent No.5, whereby previous decision dated 04.02.2026 has been reiterated and it has been ordered that the letter of intent be issued in favour of respondent No.5 after taking an indemnity bond from her to protect the interest of the petitioners as well as that of GMADA.

5. Mr. Amit Jhanji, learned senior counsel for respondent No.5 has argued that petitioners have no *locus standi* in view of the cancellation of the sale deed and revocation of the agreements to sell. It has been contended by him that petitioners do not have any enforceable right in the acquired land. It is also his argument that an agreement to sell, even if taken to be in existence, does not confer any right upon the petitioners. He has argued that even if it is in existence, it does not create any interest or charge upon the property and merely provides the intending buyer with a right to file a suit for specific performance, which is pending. Reliance has been placed by him upon (i) Hamid and 9 others vs. Kailash and 13 others, Law Finder Docket ID #



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2779132; and (ii) **Ramesh Chand and others vs. Tanmay Developers Private Limited and others, (2017) 13 SCC 715.**

6. We have heard counsel for the parties and considered their respective submissions. We have also examined the documents referred to by the counsel for the parties during the course of arguments.

7. The question that arises for consideration is as to whether the Land Acquisition Collector could himself adjudicate upon the disputed civil rights of the parties while considering an application under Sections 76 and 77 of the Act of 2013 or he is bound to refer it to a competent authority for adjudication?

8. Interpreting the provision of Section 30 of Land Acquisition Act 1894, which is *pari materia* with Section 76 of the Act of 2013, in ***Govindbhai Ambalal Patel's case (supra)***, a Division Bench of the Gujarat High Court has held that where rival claims regarding entitlement or apportionment arise, Collector is not expected to become the final authority to determine the apportionment of the amount of compensation and is bound to make a reference to the competent authority. He is not absolved of his duty to make a reference to the competent authority when the necessary conditions laid down in the statutory provisions are fulfilled. In ***Arul Mighu's case (supra)*** as well as in ***Prasada Rao's case (supra)***, Supreme Court emphasized that once a genuine dispute regarding apportionment exists, the statutory authority is obligated to make a reference instead of assuming the role of a civil Court. A similar view has been expressed by a single Bench of this Court in ***Savita Sharma's case (supra)***. Noticing the provisions of the Act of 2013, in ***K. Muralidhar Reddy's case (supra)***, a Division Bench of Andhra Pradesh



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High Court came to the conclusion that after having found that there are contesting claims over the property, an Acquisition Officer should have referred the dispute to the competent authority instead of deciding the claims himself. The Division Bench held that this is clearly impermissible and beyond his jurisdiction.

9. The material on record unmistakably demonstrates existence of a serious and *bona fide* dispute *inter se* the parties. Order dated 30.05.2008 passed by this Court in contempt proceedings has specifically protected both the agreements to sell by directing that they shall remain intact though in abeyance. Petitioners thereafter instituted a suit for specific performance on the strength of the aforesaid liberty. Though the plaint was rejected under Order 7 Rule 11, but this order has been set aside by the Appellate Court on 09.02.2026, Annexure P-19, and the trial Court has been directed to proceed with the civil suit. Thus, the very foundation on the basis of which the Collector rejected the petitioners' application ceased to exist and impugned order, Annexure P-18 cannot be sustained.

10. The judgments relied upon by respondent No. 5 in ***Hamid's case (supra)*** and ***Raghuveer's case (supra)*** are clearly distinguishable on facts. In both these cases, claimants were found to have no subsisting legally enforceable claim requiring reference to the competent authority. In the case in hand, however, the agreements to sell had categorically been protected by a judicial order and petitioners' suit for specific performance stands restored by the Appellate Court. Therefore, existence of a live and substantial dispute cannot be brushed aside by the Collector and the matter has to be referred to the competent authority for adjudication under Section 76 of the Act of 2013.



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11. For the foregoing reasons, this petition is allowed in part, impugned order dated 04.02.2026, Annexure P-18, passed by the Land Acquisition Collector is set aside. Matter is remitted to the Land Acquisition Collector, SAS Nagar, Mohali, with a direction to make an appropriate reference under the Act of 2013, to the competent authority within a period of four weeks from the date of receipt of the certified copy of this order. Any consequential order passed by the Collector shall also stand quashed. It shall be open to the parties to raise all the pleas available to them in law before the competent authority which shall decide the matter independently and uninfluenced by any observation made herein.

12. It is clarified that this Court has consciously refrained from expressing any opinion on the merits of the rival claims of the parties including validity, enforcement or effect of agreements to sell, entitlement to compensation, legality of LOI's or the effect of earlier proceedings between the parties as all these issues are to be examined by the competent authority in accordance with law.

13. Pending miscellaneous applications, if any, shall stand disposed of.

(SUVIR SEHGAL)
JUDGE

(VIKAS SURI)
JUDGE

29.05.2026

Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No