



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

154

RFA No.1024 of 2022 (O&M)

Date of Decision: 30.03.2026

HARBHAJAN SINGH (SINCE DECEASED) TH. HIS LR. AND ORS.**.....Appellants****Vs****STATE OF PUNJAB AND ORS.****..Respondent(s)****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Sanjeev Sharma, Sr. Advocate with
Mr. Sandeep Singh, Advocate
for the appellants.

Mr. Puru Jarewal, D.A.G., Punjab.

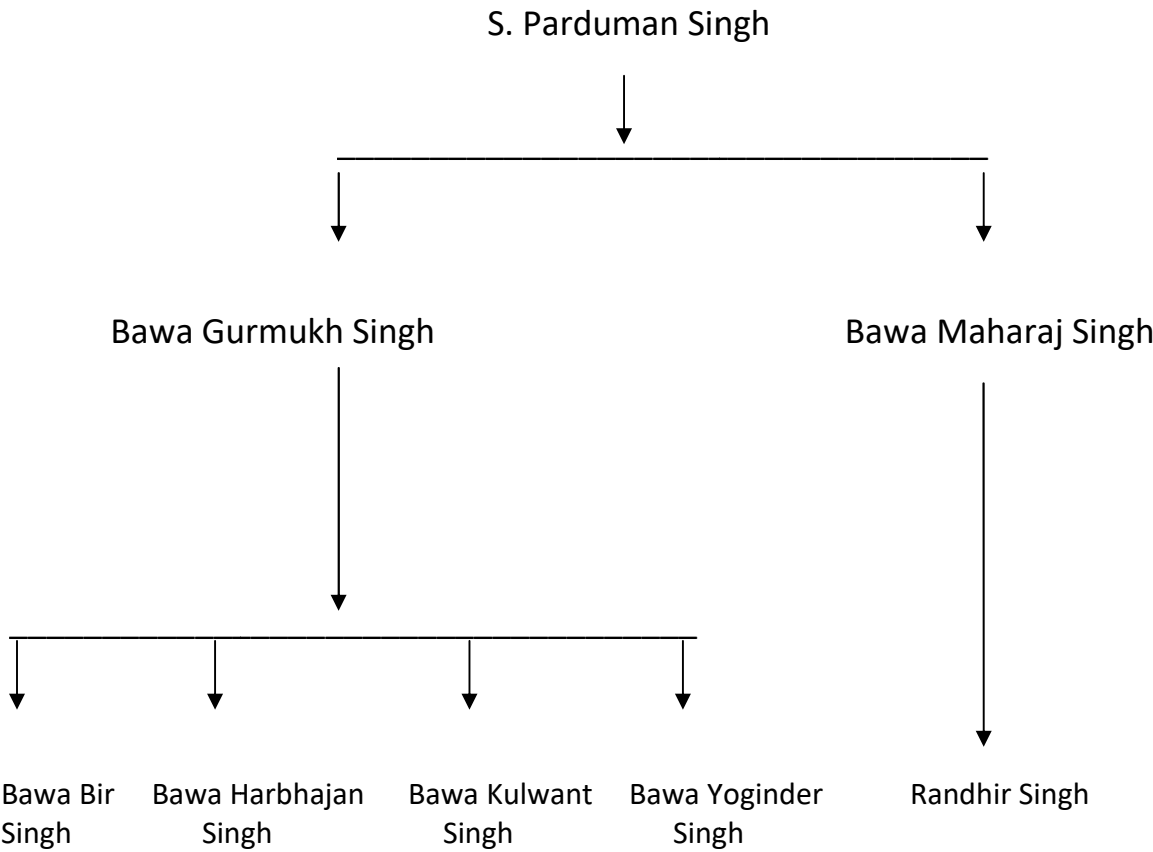
Mr. Rajbir Singh, Advocate
for respondent Nos.7 to 9.

HARKESH MANUJA, J. (Oral)

[1]. By way of present appeal, challenge has been laid to the judgment dated 31.08.2021 passed by the learned Addl. District Judge, Tarn Taran, (hereinafter to be referred as the '*Reference Court*'), whereby reference petition preferred at the instance of appellant(s)/landowner(s) having invoked Section 30 of the Land Acquisition Act, 1894 (for short '*the 1894 Act*'), was dismissed.

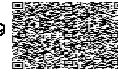
[2]. Briefly stating, one S. Parduman Singh was the owner of land measuring 872 Kanals 18 Marlas forming part of the revenue estate of village Goindwal, Tehsil and District Tarn Taran. Parduman Singh had two sons, namely, Bawa Gurmukh Singh and Bawa Maharaj Singh. After the death of Parduman Singh, the aforementioned land was inherited by his two sons in equal shares i.e. 436 Kanals 9 Marlas each. Further, Bawa Gurmukh Singh had four sons namely Bawa Bir Singh, Bawa Harbhajan Singh, Bawa Kulwant Singh and Bawa

Yoginder Singh. Thus, the four sons of Bawa Gurmukh Singh inherited 109 Kanals 02 Marlas (approx.) land each. On the other hand, Bawa Maharaj Singh had only one son, namely, Bawa Randhir Singh. The pedigree table which is relevant for the adjudication of the case in hand is extracted hereunder:-



[3]. Later, vide notification dated 15.06.1988 issued under Section 4 of the the 1894 Act, 374 Kanals 15 Marlas of land out of the aforesaid 872 Kanals 18 Marlas of land originally owned by S. Parduman Singh forming part of revenue estate of village Goindwal, Tehsil and District Tarn Taran, was acquired followed by an award dated 07.12.1989 passed by the Land Acquisition Collector (for short ‘the LAC’). The grouse of the appellant(s) was that, Bawa Harbhajan Singh, being an owner to the extent of 1/8th share of total acquired land of 374 Kanals 15 Marlas, was entitled for proportionate component of the compensation awarded.

[4]. Since the predecessor-in-interest of the appellant(s) was never paid any compensation in terms of original award dated 07.12.1989 passed by the LAC,

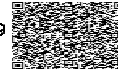


being aggrieved, he sought reference under Section 30 of the 1894 Act which was forwarded to the learned Reference Court, wherein the private respondents filed application for its dismissal while stating that Bawa Harbhajan Singh had already sold more than his share in the joint holdings and thus, was not entitled for award of compensation. On the said application moved at the instance of the private respondents, the learned Reference Court vide order dated 31.08.2021 rejected the claim made by the appellant(s). Aggrieved thereof, the present appeal was filed at the instance of appellant(s).

[5]. Impugning the aforesaid order, learned Senior counsel representing the appellant(s) submits that as per the Award passed by the LAC on 07.12.1989, the payment was to be made based on the records of rights available at the time of acquisition i.e. *jamabandi* for the year 1987-88. He thus, submits that once, as per the original revenue record in the form of *jamabandi* for the year 1987-88 Bawa Harbhajan Singh was recorded as one of the co-sharer, he was entitled for award of compensation proportionately to his share in the joint land.

[5.1]. Learned Senior counsel also points out that the acquisition in the present case pertained to specific *khasra* numbers which were never alienated by Bawa Harbhajan Singh and consequently, he continued to hold his share therein and was entitled to release of compensation, accordingly.

[5.2]. Learned Senior counsel further contends that the reference petition preferred at the instance of appellant(s), having invoked Section 30 of the 1894 Act, could not have been declined being barred by limitation as the apportionment was sought for only after the application under Section 28-A of the 1894 Act, preferred at the instance of appellant(s) was declined by the LAC on 24.02.2020 and thereafter, the objections under Section 30 of the Act were preferred



immediately on 02.06.2020. It has also been contended that the reference under Section 30 could not have been rejected summarily and the appellant(s) were required to be afforded opportunity to lead evidence in support of their claim made in the claim petition and, thus the impugned order was liable to be set aside being violative of principles of natural justice.

[6]. Per contra, learned counsel for the private respondents/landowners submits that the reference sought by the appellant(s) under Section 30 of the 1894 Act was wholly misconceived, as Bawa Harbhajan Singh had already sold his share measuring 109 Kanals 2 Marlas out of the joint land measuring 872 Kanals 18 Marlas and thus, had no subsisting right to claim compensation in respect of the acquired land.

[6.1]. Learned counsel further submits that once from the own pleadings of the appellant(s), it was established that he had alienated more than his own share from the joint holdings, thus, no further trial was warranted by the learned Reference Court in terms of Section 30 of the 1894 Act and as such, the impugned order called for no interference.

[7]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case. I am unable to find substance in the submissions made on behalf of the appellant(s).

[8]. From the record, it is evident that total land in the hands of S. Parduman Singh was 872 Kanals 18 Marla in village Goindwal, Tehsil and District Tarn Taran. His two sons, namely, Bawa Gurmukh Singh and Bawa Maharaj Singh inherited 436 Kanals 09 Marlas of land each. Bawa Gurmukh Singh had four sons namely Bawa Bir Singh, Bawa Harbhajan Singh, Bawa Kulwant Singh and Bawa Yoginder Singh. These four sons inherited $1/4^{\text{th}}$ share each out of 436 Kanals 05



Marlas. Consequently, Bawa Harbhajan Singh was entitled to exclusive share of 109 Kanals 02 Marlas (approx.). It may be noticed here that there is no dispute relating to the share and entitlement of Bawa Maharaj Singh or his son Randhir Singh; and the controversy is confined to the entitlement of Bawa Harbhajan Singh viz-a-viz his three brothers.

[9]. In the present case, the principal emphasis of the Senior counsel representing the appellant(s) is on the contents of the Award dated 07.12.1989 passed by the LAC, as per which the payment of compensation was to be made in favour of the landowners in accordance with their rights and shares recorded in the records of right, as on the date of acquisition proceedings i.e. as per *jamabandi* for the year 1987-88. Undoubtedly, in the *jamabandi* for the year 1987-88, the predecessor-in-interest of the appellant(s) was recorded as one of the co-sharers in the joint land holdings, in terms of mutation no.1227 date Nil, as per the revenue records. However, from the material available on record, it stood duly established that before the date of passing of the award by the LAC on 07.12.1989, Bawa Harbhajan Singh had already alienated the land more than his share in the joint holdings.

[10]. The details of five sale deeds executed by him in a tabulated form as provided by the appellant(s) himself in para no.29 of this appeal are extracted hereunder:-

Sale deed dated 30.04.1987 Loh Mata Dera Tara Singh	49//1/2(2-18), 9/2(5-2), 10 min (4-18), 12(8-0), 13(7-4), 14/1 (1-11), 16/2 (2-12), 17(7-15), 18/1 (2-8), 18/2(5-12), 19(8-0)= 56 Kanals
Sale deed dated 24.03.1988 Baba Tara Singh Sarhaliwale	49//4/1 (7-2), 5/1(0-17), 7/3(1-12), 9K13M
Sale deed dated 14.08.1989 Loh Mata Sant Hardial Singh	49//16/1(3-16), 15(8-0), 7/1(0-12), 14/2(3-4), 50//11(8-0), 20(5-16), 10/1 (6-16), 10/2(1-4), (37K-8M)



Sale deed dated 11.08.1989 Hira Singh Charitable Trust	49//2 (6-2), 49//26 (1-0) Total Land = 7K-2M (These Khasrano's are not acquired)
Sale deed dated 07.08.1989 Darshan Singh and Balwinder Singh	50//1/2(7-11) 49//5/3(1-6) Total 8-17M

[11]. Thus, once Bawa Harbhajan Singh had already sold around 119 Kanals of land from the joint land holdings even before passing of the Award dated 07.12.1989 by the LAC, he was left with no right, title or interest in the remaining land as the rights of the parties as on the date of acquisition were joint and no partition had taken place among the co-sharers, as reflected in the *jamabandi* for the year 1986-87 itself. Accordingly, having alienated more than his share in the joint landholding prior to the award dated 07.12.1989 by the LAC, it never lied in the mouth of appellant(s) to contend that he was left with any right, title or interest in the specific *khasra* numbers which were acquired in terms of Notification dated 15.06.1988 under Section 4 of the 1894 Act in the present case.

[12]. Mere fact that the observation was made by the LAC in the Award dated 07.12.1989 that the payment of compensation to landowners shall be made in accordance with their rights and shares as per the revenue entries available at the time of acquisition of land, was not to be treated as sacrosanct. Evidently and explicitly, the LAC was oblivious of the sale transactions been made by Bawa Harbhajan Singh as already noticed in the preceding part of the order.

[13]. Furthermore, even the observations made by the LAC in its award dated 07.12.1989 to the effect that compensation was to be paid as per records of rights as on the date of passing of award was to be read down to the effect that the payment was to be made to those right holders or persons, who were the owners of the acquired land on the said date. Even otherwise, it goes without saying that revenue record do not confer absolute title to a property but are only entries for



fiscal purpose or for maintaining records and thus always subject to the subsequent alienations made by the recorded owners.

[14]. In such circumstances, when it was clearly established from the record that Bawa Harbhajan Singh had already sold more than his share in the joint land holdings even prior to the passing of the Award dated 07.12.1989 by the LAC, no cause of action was available to the appellant(s) to seek apportionment of compensation as all the rights with respect to the receipt of compensation stood extinguished and were vested with the vendees i.e. the subsequent purchasers, without affecting the rights of other co-sharers in the land holdings.

[15]. Further, in the humble opinion of this Court, the issue of limitation decided against the appellant(s) in the given facts and circumstances cannot be sustained, having regard to the fact that the application under Section 28-A of the 1894 Act preferred at the instance of the appellant(s) was rejected on 24.02.2020 and objections under Section 30 of the 1894 Act were filed immediately on 02.06.2020. Thus, the learned Reference Court at the time of passing of order dated 31.08.2021 erred recording that the reference was not maintainable being barred by delay.

[16]. In view of discussion made hereinabove, no interference is called for with the impugned order passed by the learned Reference Court. Consequently, the present appeal being devoid of merits, is hereby dismissed.

[17]. Pending application(s), if any, shall also stand disposed of.

March 30, 2026
Atik

(HARKESH MANUJA)
JUDGE

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