

RFA No.1031 of 2025 (O&M)

2026:PHHC:022162



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

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1.

RFA No.1031 of 2025 (O&M)
Date of Decision: 12.02.2026

SHAM LAL @ SHYAM LAL
Vs
JAI SINGH AND ANR

.....Appellant

...Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Arav Gupta, Advocate
for the appellant.

Mr. Mayur Singla, Advocate and
Mr. Prabhat Gupta, Advocate for respondent No.1.

Ms. Anu Chatrath, Sr. Advocate with
Mr. Yuvraj Dhananjaya, Advocate
Mr. Ratik Chatrath Kapur, Advocate
Ms. Damanpreet Kaur, Advocate for respondent No.2/GMADA.

HARKESH MANUJA, J. (Oral)

CM No.2227-CI of 2025

Prayer in this application is for condonation of delay of 6 days in
filing the appeal.

Notice of the application was issued to the respondents on 26.08.2025.

Having heard learned counsel for the parties and for the reasons
mentioned in the application, which makes out sufficient cause, the same is
allowed. Accordingly, delay of 06 days in filing the appeal is condoned.

RFA No.1031 of 2025 (O&M)

[1]. By way of present appeal, challenge has been laid to the Award dated
03.05.2025 passed by the learned Addl. District Judge, S.A.S. Nagar (Mohali)
(hereinafter to be referred as the 'Reference Court'), whereby the reference petition



preferred under Sections 30 & 31 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') filed at the instance of the appellant was dismissed.

[2]. Briefly stating, the dispute relates to the apportionment of compensation with respect to the acquired land parcels forming part of *Khasra* Nos.221/2 (1 *Bigha* 12 *Biswas*) and 240 (3 *Bigha* 10 *Biswas*) pertaining to the revenue estate of village Devinagar, Hadbast No.161, Tehsil Kharar, District S.A.S. Nagar (Mohali). The acquisition in the present case commenced vide notifications dated 10.11.2009 and 10.05.2010 issued under Sections 4 & 6 of the 1894 Act, for the public purpose namely for setting up of Residential Urban Estate, ECO City-Phase I, followed by an Award under Section 11 of the 1894 Act passed by the Land Acquisition Collector (for short 'the LAC') on 02.08.2011.

[3]. Based on the *jamabandi* for the year 2006-07, wherein private respondent No.1 was recorded to be owner to the extent of $1/8^{\text{th}}$ share in the land comprised in *Khasra* Nos.221/2 (1-12) and 240 (3-10) with the appellant being recorded as owner in possession of $5/24^{\text{th}}$ share, the disbursement of compensation was made accordingly.

[4]. Aggrieved thereof, the appellant sought reference under Sections 30 & 31 of the 1894 Act, stating therein that the revenue entries were not correct as the appellant owned $7/8^{\text{th}}$ share in *Khasra* No.221/2 (1-12), whereas in *Khasra* No.240 (3-10), he was owner to the extent of $1/3^{\text{rd}}$ share. The appellant also pleaded that $1/8^{\text{th}}$ share out of *Khasra* No.221/2 (1-12) was purchased by private respondent No.1 from him vide registered sale deed dated 13.07.1995 following by mutation entry at Sr.No.743 sanctioned on 20.07.1995. It was also pleaded that no part of *Khasra* No.240 (3-10) was ever sold by the appellant to private respondent No.1 as such, the Land Acquisition Collector committed illegality while making



disbursement of compensation as regards part of *Khasra* No.240 (3-10) in favour of private respondent No.1.

[5]. On the other, the stand taken on behalf of private respondent No.1 was that as per the revenue record in the form of *jamabandis* for the year 1996-97 onwards till 2011-12, private respondent No.1 was recorded as owner in possession of part of *Khasra* No.240 (3-10), as such there was no illegality or perversity committed by the Land Acquisition Collector while making disbursement of compensation in favour of private respondent No.1 with respect to the said khasra number.

[6]. The learned Reference Court vide its Award dated 03.05.2025, dismissed the reference petition preferred at the instance of the appellant/landowner. Being aggrieved thereof, the present Regular First Appeal has been preferred.

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

[8]. A perusal of the record shows that in the *jamabandis* for the year 1986-87 (Ex.P-3) and 1991-92 (Ex.P-4), the appellant was recorded to be owner in possession of 1/3rd share of *Khasra* Nos.221/2 (1-12) and 240 (3-10) pertaining to the revenue estate of village Devinagar, Hadbast No.161, Tehsil Kharar, District S.A.S. Nagar (Mohali). Later vide registered sale deed dated 13.07.1995 (Ex.P-1), 1/8th share out of *Khasra* No.221/2 (1-12) was sold by the appellant in favour of respondent No.1-Jai Singh followed by entry of mutation based thereupon (Ex.P-2). Pertinently, no share out of *Khasra* No.240 (3-10) was ever sold by the appellants to respondent No.1. However, the revenue authorities while carrying out



entries in the subsequent *jamabandi* for the year 1996-97, somehow recorded respondent No.1 to be co-sharer to the extent of 1/8th share in *Khasra* No.240 (3-10) as well, though the same was never purchased by respondent No.1 from the appellant. Neither the sale deed dated 13.07.1995 executed by the appellant in favour of respondent No.1 mentions about any sale or purchase of share in *Khasra* No.240 (3-10), nor despite been afforded opportunity, respondent No.1 was able to produce and prove any document whatsoever to establish any purchase made by him from the appellant towards any share in *Khasra* No.240 (3-10). Although a plea was sought to be raised by respondent No.1 while appearing as DW-1 that some part of *Khasra* No.240 was earlier purchased by his forefathers, however again no document to support the same was produced on record by respondent No.1. The deposition made by respondent No.1 in his cross-examination, being relevant in this regard is extracted hereunder:-

"I have not purchased any area of Khasara No. 240, but some part of this Khasaran No. was purchased by my fore fathers. My father Bhag Singh purchased a part of Khasara No.240 but I do not know from whom he purchased the same. I cannot tell month year and date when the said land was purchased. I have not seen any document showing that Bhag Singh had purchased part of Khasara No.240. I received the compensation amount from the office LAO Mohali in respect of the acquired land in the year 2016. I received an amount of Rs. 12.31 lakhs. I do not remember if that amount included the amount in respect of Khasara No.240. Four Viswa of land of Khasara No. 221/2, was also purchased by my father. That land was purchased from Shyam Lal in the year 1995. I have not seen copy of mutation No. 743 till today. I am 5th class pass. I am not in possession of any sale deed in respect of land bearing Khasara No. 240, which was purchased by my father. Shyam Lal petitioner is residing at Village Mullapur Garibdas. Devinagar is at a distance of 1 KM from Mullapur. I am not in possession of any document showing my ownership qua Khasara



No. 240. I have not seen any mutation in the name of my Bhag Singh for Khasara No. 240. The four viswa of land was purchased by my father from Shyam Lal on 13.07.1995 vide Vasika No. 2695 in my name though I was minor at that time. It is wrong to suggest that I am not entitled to get any compensation qua Khasara No. 243. It is also further wrong to suggest that I have deposing falsely.”

[9]. In view of aforesaid, once respondent No.1, failed to prove any purchase made by him from the appellant about share in *Khasra* No.240 (3-10) pertaining to the revenue estate of village Devinagar, Hadbast No.161, Tehsil Kharar, District S.A.S. Nagar (Mohali), the learned Reference Court went wrong while non-suiting the appellant merely for the reason that no effort was ever made on behalf of the appellant for the correction of *jamabandis* for the years 1996-97, 2001-02, 2006-07 and 2011-12, wherein respondent No.1 was shown to be recorded being co-sharer in *Khasra* No.240 (3-10).

[9.1]. In the humble opinion of this Court, the learned Reference Court went wrong having recorded that the *jamabandis* produced on record were not to be relied upon. Infact, the learned Reference Court failed to appreciate that the attested copies of relevant *jamabandis* for the year 1986-87 to 2011-12 were duly proved on record as Ex.P-3 to Ex.P-8.

[10]. Moreover, respondent No.1 nowhere disputed the revenue entries recorded in the *jamabandis* for the year 1986-87 (Ex.P-3) and 1991-92 (Ex.P-4) pertaining to the revenue estate of village Devinagar, Hadbast No.161, Tehsil Kharar, District S.A.S. Nagar (Mohali), wherein the appellant was recorded to be owner in possession of 1/3rd share of *Khasra* Nos.221/2 (1-12) and 240 (3-10). Rather, respondent No.1 himself while relying upon the aforesaid *jamabandi* entries purchased 1/8th share from the appellant out of *Khasra* No.221/2 (1-12).

Thus, in such circumstances, respondent No.1 having failed to produce any document of title qua his ownership or possession over any part of *Khasra* No.240 (3-10), was disbursed compensation as against the acquisition of the said khasra number, without there being any right, title or interest therein.

[11]. Accordingly, in view of the aforesaid detailed discussion, the present appeal is allowed and the impugned Award dated 03.05.2025 passed by the learned Reference Court is hereby set aside. The appellant/landowner is held entitled for release of compensation being owner in possession of 1/3rd share in *Khasra* No.240 (3-10) pertaining to the revenue estate of village Devinagar, Hadbast No.161, Tehsil Kharar, District S.A.S. Nagar (Mohali) on account of its acquisition.

[12]. All pending application(s), if any, shall also stand disposed of.

February 12, 2026
Atik

(HARKESH MANUJA)
JUDGE

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