



CWP-17031-2025

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

131

CWP-17031-2025

Date of Decision: 11.08.2025

Jagtar Singh (Deceased) through LRs.

..... Petitioners

Versus

Financial Commissioner, Department of Revenue, Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Nirmal Singh Kandhola, Advocate
for the petitioners.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking issuance of a writ in the nature of Certiorari to set aside the order dated 19.07.2006 (Annexure P-3) passed by the learned Tehsildar-cum-Assistant Collector, IInd Class, Phagwara; order dated 29.05.2008 (Annexure P-5) passed by the learned Collector, Phagwara; and order dated 19.12.2024 (Annexure P-13) passed by the learned Financial Commissioner (Appeals), Punjab.

1.1. A further prayer has been made for upholding the order dated 01.06.2009 (Annexure P-7) passed by the learned Commissioner, Jalandhar Division, Jalandhar.

2. Briefly, the petitioners claim to be owner of land measuring 24 Kanal 15 Marlas comprised in Khasra Nos. 451(0-19), 452(3-9), 453(7-0), 454(3-2), 455(3-2), 456(4-15) and 457(1-6), situated at Village Dhak Khati Hadbast No.58 Tehsil Phagwara, District Kapurthala as per *Jamabandi* for

the year 2001-02.

2.1. It appears that respondent No.5 (The Hargobindgarh Cooperative Marketing-cum-Processing Society Ltd., through its Liquidator-cum-Assistant Registrar) had filed an application before the concerned revenue authority seeking sanction of mutation in respect of the aforesaid land on the basis of the Sale Deed bearing Vasika No.509 dated 24.06.1966, whereby the mutation No.991 of Village Dhak Khati, Tehsil Phagwara, District Kapurthala, was entered and subsequently sanctioned by the learned Tehsildar, Phagwara, vide order dated 19.07.2006 (Annexure P-3).

2.2. Feeling aggrieved against the aforesaid mutation No.991/order dated 19.07.2006 (Annexure P-3), the petitioners preferred an appeal before the learned Collector, Phagwara, which was dismissed vide order dated 29.05.2008 (Annexure P-5).

2.3. Thereafter, the predecessor-in-interest of the petitioner along with predecessor-in-interest of proforma respondent No.6 namely Sh. Jagtar Singh and Mohinder Singh, respectively; preferred a revision before the learned Commissioner, Jalandhar Division, Jalandhar; which was allowed vide order dated 01.06.2009 (Annexure P-7) and the order passed by the learned Tehsildar as well as learned Collector was set aside.

2.4. Being dissatisfied with the aforesaid order dated 01.06.2009 (Annexure P-7) passed by the learned Commissioner, Jalandhar Division, Jalandhar, respondent No.5-Society preferred a revision petition (ROR No.878 of 2009) before the learned Financial Commissioner, Punjab, which was initially dismissed vide order dated 07.03.2012 (Annexure P-9). However, on a civil writ petition bearing CWP No.13108-2012 filed by respondent No.5, the order passed by the learned Financial Commissioner, Punjab was set aside and the matter was remitted to the learned Financial

Commissioner, Punjab to decide the matter afresh, by this Court vide order dated 21.04.2014 (Annexure P-10).

2.5. Upon remand, the learned Financial Commissioner vide order dated 19.12.2024 (Annexure P-13) has allowed the revision petition preferred by respondent No.5 by setting aside the order dated 01.06.2009 (Annexure P-7) passed by the learned Commissioner, Jalandhar Division, Jalandhar and further maintained the order dated 19.07.2006 (Annexure P-3) passed by the learned Tehsildar-cum-Assistant Collector, IInd Class, Phagwara and also the order dated 29.05.2008 (Annexure P-5) passed by the learned Collector, Phagwara, sanctioning the mutation in favour of respondent No.5-Society.

3. In the aforementioned circumstances, petitioners have filed the instant writ petition before this Court seeking relief(s), as noticed hereinabove.

4. The only argument raised on behalf of learned counsel for the petitioners is that the mutation No.991 in favour of respondent No.5 was sanctioned on the basis of Sale Deed dated 24.06.1966 and that too in the year 2006 i.e., after a gap of almost 40 years, therefore, the same was time barred.

5. I have considered the aforesaid submission raised on behalf of learned counsel for the petitioners however, I do not find any merit in the same, especially in view of the well settled position as laid down by this Court in the case of ***Supreme Singh Vs. The Financial Commissioner, (Revenue), Punjab and others, 2010 (5) RCR (Civil) 833***, wherein it was held that Section 34 of the Punjab Land Revenue Act, places a statutory duty upon a revenue officer, when approached with a request to record a mutation on the basis of inheritance, purchase, mortgage or otherwise, to enter such

transaction in the register of mutations. It was further held therein that a Revenue Officer makes a summary enquiry for the purpose of updating the revenue record and a Sale Deed, once registered, has to be reflected in the revenue record, as a Revenue Officer cannot sit in judgment over complex and intricate rights of parties.

5.1. Similar view was taken in the case of *Kashmir Singh Vs. State of Haryana, (2011) 3 RCR (Civil) 56*, wherein it was held that Para 7.32 of the Punjab Land Record Manual, places a statutory obligation on the Revenue Officer to sanction a mutation particularly when a registered sale deed is forwarded to them.

6. Before this Court, learned counsel for the petitioners has not disputed the existence of the Sale Deed dated 24.06.1966 in favour of respondent No.5-Society.

7. In view of the above, once the existence of the sale deed dated 24.06.1966 is not disputed by the petitioners and the Revenue Authorities have only updated the revenue records on the basis of said Sale Deed, which they were otherwise obligated to do so, in terms of the provisions contained in the Punjab Land Revenue Act and Punjab Land Record Manual; no fault can be found with the impugned orders.

8. Resultantly, the instant writ petition fails and the same is accordingly, dismissed.

9. All the pending application(s), if any, shall also stand closed.

11.08.2025
Pd

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No