

2025:PHHC:081135



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

**CWP-18630-2025 (O&M)**  
**Date of decision : 08.07.2025**

M/S MOTIAZ ROYALE ESTATE PVT. LTD.

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. R.S. Rai, Sr. Advocate  
with Mr. Munish Jolly, Advocate  
for the petitioners.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

**HARSH BUNGER, J. [ORAL]**

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *mandamus* for directing the respondents to comply with the judgment dated 10.07.2021 (Annexure P-25) passed by the National Lok Adalat.

A further prayer has been made for directing the respondents to supply the copy of order dated 02.07.2025/03.07.2025 passed by respondent No.6-Naib Tehsildar-cum-Sub Registrar, Kharar, Tehsil Complex Kharar, District SAS Nagar, Mohali, reviewing the mutation.

2. Briefly, a company namely, Motiaz Royale Estate Pvt. Ltd., is stated to have purchased land in Village Palheri, Tehsil Kharar, vide three registered sale deeds i.e. Sale Deed No.1013 registered on 25.04.2011; Sale Deed Nos.1606 and 1607, both registered on 05.05.2011. It is stated that after the execution of these sale deeds, the afore-said company realized that

there was mistake in the sale deeds as the same were executed in the names of Naresh Garg and Payara Lal Garg, Directors of the said company and not in the name of the company-Motiaz Royale Estate Pvt. Ltd. It is claimed that after a period of about two years, rectification deeds were executed on 04.02.2013 and 27.02.2013; whereupon, mutations No.2520, 2521 and 2523 were recorded.

2.1 The afore-said Naresh Garg and Payara Lal Garg, appear to have filed a Civil Suit (Annexure P-18), seeking declaration that they are owners in possession of the land, which was originally purchased in their names vide Sale Deeds dated 25.04.2011 and 05.05.2011.

2.2 It is stated that the Income Tax Department issued notices to the afore-said persons namely, Naresh Garg and Payara Lal Garg and subsequently, the Civil Suit filed by the above-named persons was referred to the Lok Adalat whereby, they withdrew the Civil Suit on 10.07.2021 (Annexure P-25).

2.3 Said Payara Lal Garg is stated to have expired on 01.01.2023.

2.4 It transpires that one case FIR No.10 dated 11.06.2025 came to be registered at Police Station Economic Offences Wing, Punjab Vigilance Bureau, Ludhiana under Section 13(1)(A)(2) read with Section 13(2) of the Prevention of Corruption Act, 1988 and also under Sections 420 and 120-B of the Indian Penal Code against Naib Tehsildar-Tarsem Mittal and others.

2.5 Thereafter, it appears that the Assistant Collector IInd Grade, Kharar initiated proceedings for cancellation of the mutations, which were recorded in favour of Motiaz Royale Estate Pvt. Ltd. on the strength of the rectification deeds; for which, a prior permission from the District Collector, SAS Nagar, Mohali was sought, which was granted by the Deputy Commissioner, SAS Nagar, under Section 15(1) of the Punjab Land

Revenue Act, 1887 vide order dated 30.06.2025 (Annexure P-30). It appears that thereafter, the notices were issued to the petitioner and other concerned parties, affording them an opportunity to submit their objections to the proposed reviewing of the mutations.

2.6 It is not disputed that the notices were duly received by the petitioner and other concerned parties and vide order(s) dated 04.07.2025, the mutations which were recorded in favour of Motiaz Royale Estate Pvt. Ltd., have been reviewed primarily on the ground that the rectification deed cannot be executed for transferring the original ownership from the name of an individual in favour of a company (a different legal entity); as the same can be executed only for correcting the clerical or descriptive errors.

2.7 In the afore-mentioned circumstances, the present writ petition has been filed before this Court.

3. Heard.

4. During the course of the hearing, it is not disputed by the learned senior counsel appearing for the petitioner that in pursuance of order dated 30.06.2025 (Annexure P-30) passed by the learned Deputy Commissioner, S.A.S. Nagar, Mohali, granting permission to review the mutations, the learned Assistant Collector IInd Grade, Kharar had already reviewed the mutations vide order dated 04.07.2025.

5. Learned senior counsel for the petitioner has also not disputed that a remedy of filing appeal/revision is available to the petitioner, however, the instant writ petition has been filed by the petitioner by raising the plea that permission to review the mutations have been granted after a period of 13 years on account of political influence.

6. In my considered view, once a remedy of filing appeal/revision is available to the petitioner, the petitioner would be well advised to avail its remedy of filing appeal/revision before the competent authority.

7. The present petition is, accordingly, dismissed with liberty to the petitioner to avail its remedy of filing statutory appeal/revision against the order dated 30.06.2025 (Annexure P-30) and also the order dated 04.07.2025 before the competent authority under the provisions of the Punjab Land Revenue Act, 1887 in accordance with law. All the contentions, which may be available, in law to the respective parties, are kept open.

8. All pending applications (if any) shall also stand closed.

**July 08, 2025**  
gurpreet

**(HARSH BUNGER)**  
**JUDGE**

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