



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

**112****CRM-M-44369-2024**

Date of Decision: 18.03.2025

Ranbir Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondents

**CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Manvinder Singh Sidhu, Advocate  
for the petitioners.

Mr. Gurpartap S. Bhullar, Asst. AG, Punjab.

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**ANOOP CHITKARA, J.**

Seeking initiation of proceedings under Sections 379/215 BNSS 2023, against respondents No.2 & 3 for filing false affidavit in COCP-2212-2021, petitioners have come up before this Court under Section 528 BNSS 2023.

2. Petitioners' grievance is that wrong stand was taken in above said COCP, wherein it was declared that petitioners are not owners of the property which was contrary to the revenue records.

3. It would be appropriate to refer to the order dated 24.02.2023 passed in COCP-2212-2021, which reads as under:-

*"Learned State Counsel on the basis of affidavit of Sub Registrar-cum-Tehsildar, Bathinda, submits that since vendees were not found owners of the property, therefore mutation could not be sanctioned and speaking order has already been passed.*

*In view of the above, present petition is rendered as infructuous.*

*Liberty is granted to the petitioners to challenge the speaking order in accordance with law."*

4. Given above, remedy before the petitioners is to assail the speaking order, which was passed and referred in order dated 24.02.2023 on factual grounds and not to come to this Court under 528 BNSS, until the order so passed by the authority is in



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existence, it cannot be said that the affidavit filed before this court was false. Consequently, the present petition is not maintainable and the same is **disposed of** with clarification that time for which the present petition was pending, shall not be counted for the purpose of limitation, in accordance with the limitation Act. Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

18.03.2025

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Whether speaking/reasoned  
Whether reportable?

Yes  
No