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2025:PHHC:028094



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

CWP-5418-2025

Date of Decision:27.02.2025

Jaswant Singh and others

..... Petitioners

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kushagra Mahajan, Advocate
for the petitioners.

Mr. Navneet Singh, Sr. DAG, Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present writ petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of Certiorari, for setting aside the order dated 24.01.2022 (Annexure P-5) passed by learned Assistant Collector 1st Grade, Amritsar-2, whereby the mutations on the basis of registered sale deeds have been rejected.

1.1. A further prayer has been made for setting aside the order dated 18.07.2024 (Annexue P-6) passed by learned Collector, Amritsar as well as order dated 08.11.2024 (Annexure P-7) passed by learned Financial Commissioner (Appeal), Punjab, whereby appeal and revision preferred by

the petitioners have also been dismissed, respectively.

1.2. Another prayer has been made for issuance of a writ in the nature of Mandamus for directing respondent No.4 to sanction mutations in favour of the petitioners, on the basis of registered sale deeds.

2. Briefly, the petitioners herein claim to have purchased two plots measuring 500 square yard and 610 square Yards, totalling 1110 square yards by way of two registered sale deeds dated 17.12.2019 and 18.12.2019.

2.1. It is stated that both the aforesaid plots have been purchased out of land comprised in Kewat No.123/116, Khasra Nos. 43//4/1/2, 6/2, 7/2, 8/1, total land 16 Kanal 8 Marla.

2.2. It is the case of the petitioners that after the execution/registration of the aforesaid sale deeds, they applied for sanctioning of mutations in their favour, whereupon two mutations No.6986 and 6987 were entered by the Halqa Patwari. It appears that respondent No.5-Gurcharan Singh submitted his objections before respondent No.4 regarding sanctioning of mutations. Since the mutations were declared contested, the same were put up before respondent No.3.

2.3. It is noticeable that respondent No.5 also instituted a suit for declaration (Annexure P-4).

2.4. It transpires that learned Assistant Collector First Grade, Amritsar-2, vide order dated 24.01.2022 (Annexure P-5), rejected the mutations No.6986 and 6987, Village Kambo, Tehsil Amritsar-2.

2.5. Feeling aggrieved against the order dated 24.01.2022 (Annexure P-5), petitioners preferred an appeal before learned Collector, Amritsar, which was also dismissed vide order dated 18.01.2024 (Annexure P-6).

2.6. A further revision petition (ROR-973-2024) preferred by the

petitioners has also been dismissed by learned Financial Commissioner (Appeals), Punjab vide order dated 08.11.2024 (Annexure P-7).

3. In the aforementioned circumstances, the present writ petition has been filed before this Court, seeking relief(s) as noticed hereinabove.

4. Learned counsel for the petitioners submits that revenue authorities had erred in law and fact in rejecting the mutations in question by ignoring the fact that the petitioners have purchased the land by way of two registered sale deeds out of land comprised in Khasra No.43//8/1 and the said khasra number has not been mentioned in the sale deeds of respondent No.5. It is submitted that the aforesaid fact regarding non mentioning of khasra No.43//8/1 in the sale deeds of respondent No.5 is duly admitted by him in the civil suit filed by him and, therefore, there was no occasion for the revenue authorities to have rejected the mutations. Accordingly, it is submitted that the impugned order be set aside and mutations on the basis of the registered sale deeds be ordered to be sanctioned.

5. Heard.

6. In the present case, the petitioners claim to have purchased the land measuring 500 square yards and 610 square yards out of land comprised in Khasra Nos. 43//4/1/2, 6/2, 7/2, 8/1, 17/1, 13 and 14 min situated at village Kambo, Abadi Ajnala Road, Amritsar by two separate sale deeds (Annexures P-2 and P-3). On the basis of the aforesaid sale deeds, Mutation Nos.6986 and 6987 were entered, however the said mutations were contested by respondent No.5 by filing his objections. Simultaneously, respondent No.5 also instituted a civil suit seeking declaration that he is owner in possession of land measuring 36 Kanal 13 Marla with construction thereon, which includes property measuring 2 Kanal 1 Marla bearing Khasra No.43//8/1 in the area of Village Kambo. A further declaration has been

sought that the sale deeds propounded by the present petitioners (defendants in the suits) with regard to the land measuring 1 Kanal 15 Marla 5 Sarsai of Khasra No.43//8/1 in the area of Village Kambo are illegal, null and void.

6.1. Learned Assistant Collector Ist Grade while taking up the mutation cases, came to the conclusion that one Jaswant Singh was the owner of the total area of land measuring 36 Kanal and 13 Marla, out of which he sold $\frac{1}{4}$ share to Tarlochan Singh S/o Sh. Balbir Singh on 20.01.1979 and another $\frac{1}{4}$ share was sold subsequently to Gurcharan Singh. Still further, another $\frac{1}{4}$ share was sold by Jaswant Singh on 05.05.1980 in favour of Khurana Coal Agency and the balance $\frac{1}{4}$ th share was sold on 23.11.1979 in favour of one Narinder Singh. It was observed that at the spot there is a road and the sale deeds in question do not clarify that the area purchased by the petitioners is not owned by respondent No.5- Gurcharan Singh. In these circumstances, mutations have been rejected by learned Assistant Collector Ist Grade, Amritsar vide order dated 24.01.2022 (Annexure P-5).

6.2. The aforesaid order dated 24.01.2022 (Annexure P-5) has been further upheld in appeal/revision by learned Collector vide order dated 18.07.2024 (Annexure P-6) as well as by the learned Financial Commissioner vide order dated 08.11.2024 (Annexure P-7).

6.3. Learned Counsel for the petitioners has failed to refer any material/document to dislodge the observations made by revenue authorities below while rejecting the mutations in question.

6.4. It is not disputed that civil suit (Annexure P-4) is already pending consideration before Civil Court, wherein sale in favour of the petitioners in respect of land comprised in Khasra No.43//8/1 is being disputed.

7. Since the parties are already litigating before the Civil Court, I find no reason to interfere in the impugned orders passed by the revenue authorities, accordingly the instant writ petition is dismissed.

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

27.02.2025

Pd

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No