

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

Civil Writ Petition No.13365 of 2012

Date of decision: 27.01.2015

Kumar Arunodaya

... Petitioner

versus

The Tehsildar-cum-Registration Officer (Asstt. Collector Grade-II),
Gurgaon, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashu M. Punchhi, Advocate,
for the petitioner.

Mr. Keshav Gupta, Assistant Advocate General,
Haryana.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

The prayer in the writ petition is that a mutation sanctioned pursuant to a purchase in favour of private respondents shall be withdrawn. The petitioner's contention is that the consideration for the sale failed in that the cheque which was given to the petitioner as consideration had bounced and that the sale has become inoperative. It is not at all times to be inferred that the consideration that failed would involve also in annulment of sale. It depends on the intention of the parties and the recitals in the

documents. The petitioner will have only appropriate remedy in a civil court of competent jurisdiction against the vendee to sue for unpaid consideration or rescission of sale, if tenable at all. On such annulment only, any restoration of the revenue entry would become possible. It shall be wholly inexigent for a court exercising jurisdiction under Article 226 to consider the effect of not passing of consideration between two private individuals. No relief is possible through the writ petition. The writ petition is dismissed. The petitioner will have appropriate remedy for a restoration of revenue entry, if only he after secured appropriate decree for annulment for sale in the manner referred to above.

(K.KANNAN)
JUDGE

27.01.2015
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