

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

CWP No. 19688 of 2015

DATE OF DECISION : 17.09.2015

Punjab and Sind Bank

.... PETITIONER

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Ms. Adarshpal Kaur, Advocate,
for the petitioner.

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SATISH KUMAR MITTAL, J. (Oral)

Punjab and Sind Bank has filed this petition for quashing the endorsement dated 10.09.2013 (Annexure P-8), whereby Tehsildar, Malerkotla (respondent No.5 herein) has returned the application of the petitioner bank with the comments that since the land is already under attachment, therefore, no charge of mortgage can be entered in the revenue record.

We have heard learned counsel for the petitioner.

Undisputedly, out of total joint holding of land measuring 56 bighas 12 biswas, 5 bighas of land of Rajwinder Singh (respondent No.7 herein) was got mortgaged by the petitioner bank in its favour as security, while advancing loan to him.

The said 5 bighas of land was got attached from the Civil Court by District Manager-cum-District Food and Supplies Controller in view of certain outstanding amount of the department towards said Rajwinder Singh. When the petitioner-bank moved an application to make an entry about its mortgage in the revenue record, the Tehsildar, Malerkotla refused to make entry to that effect in the revenue record because the said land was already got attached by the District Food and Supplies Controller. Therefore, no charge of mortgage can be entered in the revenue record.

We do not find any illegality in the aforesaid order. If the petitioner-bank is aggrieved against the order of attachment of the land which was mortgaged to them, they have remedy to challenge the said attachment, but the Revenue Officer cannot be compelled to make an entry of mortgage when the land is already under attachment under the order of the Civil Court.

No merits. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 17, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE