

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No. 19851 of 2015
Decided on 18.9.2015**

Mohinder Kaur and another

--Petitioners

Vs.

State of Punjab and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.P.S.Dhaliwal, Advocate, for the petitioners

Rakesh Kumar Jain,J:

The petitioners have challenged the order passed by the Financial Commissioner, Punjab, dated 28.1.2015 in this petition.

In short, the petitioners filed an application for correction of khasra girdawari of the land measuring 14 kanal 0 marla, situated in the area of Maur, alleging that khasra girdawari is wrongly recorded in the names of the respondents. It is alleged that the Assistant Collector 2nd Grade, Tapa, passed an order for correction of khasra girdawari in the names of the petitioners vide order dated 17.12.2007 after inspecting the spot on 13.12.2007. The said order has been upheld in appeal by the Collector vide his order dated 11.9.2008 and by the Commissioner vide his order dated 19.3.2009. However, the revision filed by the respondents has been allowed by the Financial Commissioner on 28.1.2015 on the ground that the

land in question has been acquired by the Government of Punjab and has been allotted to the private respondents, who were put in possession of the land in question. Therefore, khasra girdawari could not be corrected in the names of the petitioners. The relevant portion of the order of the Financial Commissioner, is reproduced below:-

“ I am of the considered opinion that this land was acquired by the Government of Punjab and 70 plots were carved out which were allotted to the present petitioners who were put in possession over the suit land vide Rapat No.319 dated 28.4.1977 as well as Rapat No.250 (Development) dated 12.4.1977. Thereafter, there is nothing on record which can suggest as to how the respondents were given lawful possession of these plots. Therefore, by mere inspection of the site, order of the lower revenue court holding the respondents to be in possession suffers from patent illegality and such order is not sustainable in the eyes of law”.

Although, learned counsel for the petitioners has vehemently argued that for the purpose of khasra girdawari, only possession has to be seen at the spot but he could not deny the fact that the land was acquired by the Government of Punjab and 70 plots were carved out from it which were allotted to the private respondents, who were put in possession vide Rapat No. 319 dated 28.4.1977 and Rapat No.250 (Development) dated 12.4.1977. The petitioners could not establish their legal status/right over the land in question and, thus, are not entitled for the correction of khasra girdawari.

Finding no fault in the order of the Financial Commissioner, I do not find any merit in this petition and the same is hereby dismissed.

18.9.2015
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(Rakesh Kumar Jain)
Judge