

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 19880 of 2015

Date of Decision: September 18, 2015

Naib Singh and another

... Petitioners

Versus

Financial Commissioner, Revenue, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Rajesh Kumar Moudgil, Advocate,
for the petitioners.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari setting aside order dated 02.07.2014 (Annexure P/4) passed by respondent no.1 – Financial Commissioner, Punjab, order dated 23.08.2006 (Annexure P/3) passed by respondent no.2 – Divisional Commissioner, Patiala and order dated 13.02.2004 (Annexure P/2) passed by respondent no.3 – Collector, Sangrur whereby mutation of inheritance of Norang Singh has been sanctioned on the basis of natural succession ignoring the unregistered Will executed in favour of petitioners dated 18.05.1999.

Brief facts of the case are that after the death of Norang Singh, owner of the land, petitioners claimed inheritance on the basis of

Sunam, sanctioned the mutation in favour of the petitioners vide order dated 17.03.2003 (Annexure P/1). Against that, respondents no. 5 and 6 preferred an appeal, which was accepted by the District Collector, Sangrur vide order dated 13.02.2004 (Annexure P/2) and order dated 17.03.2003 passed by Assistant Collector Ist Grade was set aside and mutation was sanctioned in favour of all natural heirs of deceased Norang Singh as per their respective shares. Against that, petitioners preferred a revision petition before the Divisional Commissioner, which has been dismissed vide order dated 23.08.2006 (Annexure P/3). Thereafter, petitioners preferred a ROR and the same has also been dismissed vide order dated 02.07.2014 (Annexure P/4). Hence, this writ petition.

I have heard learned counsel for the petitioners and perused the record.

Admittedly, Will is an unregistered. This Court cannot go into the validity of the Will, which has been appreciated by the revenue authorities. All the proceedings are summary in nature. If the petitioners have any right, then they can only approach to the civil court.

In view of above, instant petition is dismissed in limine.

September 18, 2015

VIRENDER KUMAR vkd
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I attest to the accuracy and
authenticity of this document

[Paramjeet Singh]
Judge