

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 23387 of 2014

Date of Decision: 9.1.2015

Swaran Singh

... Petitioner(s)

Versus

Financial Commissioner (Animal Husbandry), Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rajan Gupta.

Present: Mr. Vinod Khunger, Advocate
for the petitioner(s).

Rajan Gupta, J.

Petitioner is aggrieved by order passed by Financial Commissioner, Punjab. Operative part whereof reads as under:-

"4. I have gone through the orders available on file of the petitioner. The land in dispute was under civil litigation and Sajjan Singh owner of land was restrained from alienating the land vide order dated 21.7.2011 by the Civil Court. The mutation proceeding on the basis of sale deed had been adjourned sine die by SDM-cum-AC 1st vide order dated 5.3.2010. The sanction of mutation on the basis of sale deed in favour of Swaran Singh may lead to multiplicity of litigation and it may not be in the interest of justice to sanction mutation till the civil court decides the matter.

5. Thus, I uphold the order of the courts below. Hence, it is dismissed in limine."

Counsel for the petitioner has argued that there was an agreement to sell dated 26.3.2009 in favour of Anoop Singh, brother of

the petitioner. Pursuant to same, a sale deed was executed in favour of petitioner. Claim of respondent No.3 is based upon agreement to sell dated 24.8.2009. Relying upon same, he has filed civil suit for specific performance. According to him, revenue authorities have erred in adjourning the mutation proceedings *sine die* on the basis of pendency of civil suit. Thus, same deserves to be quashed.

I have heard counsel for the petitioner and given careful thoughts to the facts of the case.

It is evident that both the petitioner and respondent No.3 claimed their right on the land in question on the basis of separate agreements while petitioner claims that sale deed dated 30.9.2009 had already been executed in his favour. Respondent No.3 has sought specific performance on the basis of agreement to sell dated 24.8.2009. According to petitioner, said agreement is a forged and fabricated document. It is evident that disputed questions of facts are involved. Civil court is already seized of the matter. It has also restrained owner of the land, namely Sajjan Singh from alienating the land during pendency of the civil suit.

I, thus, find no fault with the decision of the revenue authorities to await decision of the civil court. Writ petition is without any merit and is hereby dismissed.

(Rajan Gupta)
Judge

January 9, 2015
“DK”