

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.28572 of 2013

Date of Decision:-June 30th , 2015

Jitender Kaur @ Jatinder & Anr.

.....Petitioners.

Versus

Financial Commissioner, Haryana Revenue Department & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. P.S. Sikand, Advocate &
Mr. Sanjiv Gupta, Advocate for the Petitioners.

Mr. Sandeep S. Mann, Sr. DAG Haryana
for respondent nos.1 to 4.

Mr. S.S. Momi, Advocate for respondent no.5.

JASWANT SINGH, J.

Prayer in the present writ petition is for quashing of the orders dated 29.08.2011 (P-5) passed by respondent no.4 and 24.07.2013 (P-8) passed by respondent no.1 whereby their application for correction of Khasra Girdawri has been adjourned sin-a-die to await the decision of the Civil Court in which order of status quo has been passed.

Learned Counsel for the petitioners has vehemently argued by relying upon a Division Bench decision of this Court in case titled as **Suhag Wanti Vs. Commissioner, Patiala Division, Patiala & Ors. 2012(3) L.A.R. 108** to contend that the revenue authorities can conduct the spot

inspection with regard to change of entries in the Khasra Girdawri even if a

civil suit involving a question of title and/or is pending.

On the other hand learned Counsel for the respondents has argued that the Authorities below have rightly not passed any order regarding change of Khasra Girdawri in favour of any person and adjourned the proceedings sin-a-die because a civil suit regarding possession is already pending adjudication before the Civil Court and, therefore, the Authorities below are bound not to decide the proceedings pending before it until and unless the civil suit is decided. In support of his plea learned Counsel for the respondent has relied upon **Rahul & Ors. Vs. State of Haryana 2012(3) RCR (Civil) 243**, **Tarlok Singh Vs. Financial Commissioner Co-operation, Punjab, Chandigarh & Ors. 2004(3) RCR (Civil) 548**, **Inder Singh Vs. Financial Commissioner, Haryana & Ors. 2010(1) RCR (Civil) 324** & **Attar Singh Vs. Ram Dhari & Ors 2012(5) RCR (Civil) 457**.

After hearing learned Counsel for the parties and perusing the paper book, this Court is of the considered view that the present petition deserves to be allowed.

The facts are not in dispute as both the parties have admitted the factual position as far as the pendency of the civil suit regarding title as well as possession is concerned. The sole question that arises before this Court is as to whether during the pendency of the regular civil suit, involving question of title and possession, Revenue Authorities have any jurisdiction to conduct spot inspection so as to change the entries in the Khasra Girdawri enabling the one of the litigant of the Civil Suit to create defence or plea in his favour? The said question has already been determined by the Division Bench of this Court in Suhag Wanti's case

(*supra*) whereby the answer to the above mentioned question has been given in affirmative. However, in the concluding paragraph of the said judgment it has already been held that such an entry would not be a binding upon a Civil Court and any change of possession has to be proved by independent material that may be placed before the Court.

In view of the authoritative decision given by the Division Bench of this Court, the present petition deserves to be allowed and the impugned orders are liable to be set aside. As far as the judgment relied upon by the learned Counsel for the private respondents is concerned, they are completely on a separate footing and are distinguishable on facts because same relates primarily to *jamabandies* and do not talk about Khasra Girdawri.

In view of the foregoing discussion, the present writ petition is allowed.

(JASWANT SINGH)
JUDGE

June 30th, 2015
Vinay