

**In the High Court of Punjab and Haryana at Chandigarh**

**C.W.P. No. 9693 of 2013**

**Date of Decision: November 03, 2015**

*Gian Singh*

*... Petitioner*

*Versus*

*Financial Commissioner, Revenue, Punjab and others*

*... Respondents*

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH**

Present: Mr. Sameer Sachdeva, Advocate  
for the petitioner.

Mr. S.S. Chandumajra, Addl. A.G., Punjab,  
for respondents No. 1 to 4.

Mr. Manjit Sooch, Advocate,  
for respondent No.5.

**Paramjeet Singh, J. (Oral)**

Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 21.08.2012 (Annexure P/9) passed by respondent no.1 – Financial Commissioner, Revenue, Punjab, order dated 30.01.2007 (Annexure P/6) passed by respondent No.3 – Additional Deputy Commissioner-cum-Collector, Jalandhar and order dated 07.08.2006 (Annexure P/5) passed by respondent no.4 – Assistant

Brief facts of the case are that Ajmer Singh died on 25.02.1997. After his death, mutation was entered in favour of Gian Singh and Gurbax Kaur, children of Munsha Singh, on the basis of a Will dated 17.08.1996, but the authorities sanctioned the same in favour of Sharanjit Kaur, natural legal heir of Ajmer Singh, being daughter of deceased Ajmer Singh. Thereafter, petitioner preferred an appeal before the Collector, Jalandhar, who remanded back the matter to Assistant Collector Ist Grade, Phillaur for deciding the case of mutation after affording opportunity of hearing to both the parties. The Assistant Collector Ist Grade, vide order dated 07.08.2006 (Annexure P/5) discarded the Will dated 17.08.1996 on the basis of suspicious circumstances and mutation has been allowed in favour of respondent no.5 – Sharanjit Kaur. Aggrieved against order dated 07.08.2006, petitioner preferred an appeal. The Additional Deputy Commissioner-cum-Collector, Jalandhar, has dismissed the appeal vide order dated 30.01.2007 (Annexure P/6). Thereafter, petitioner preferred a revision petition before Commissioner, Jalandhar Division, Jalandhar. Vide order dated 04.03.2008 (Annexure P/8), the Commissioner, Jalandhar Division, Jalandhar allowed the revision petition and mutation was ordered to be sanctioned on the basis of Will dated 17.08.1996 executed by Ajmer

(Annexure P/8), respondent no.5 filed an ROR before Financial Commissioner. The Financial Commissioner vide order dated 21.08.2012 (Annexure P/9) allowed the ROR and set aside order dated 04.03.2008 (Annexure P/8). Hence, this writ petition.

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

Learned counsel for respondent no.5 has brought to the notice of this Court that the Will in dispute was challenged before the Civil Court. Vide judgment dated 29.11.2014, the Civil Court has recorded a finding that Will dated 17.08.1996 is not a legal and valid one.

Since the Will has already been considered by the Civil Court and the rights of the parties have been determined, which may be subject to the appeal etc., instant writ petition is not sustainable and even not maintainable for that purpose, hence is dismissed. I have no doubt that civil court decision is always binding upon all the revenue authorities.

**November 03, 2015**  
vkd

**[Paramjeet Singh]**  
**Judge**