

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Writ Petition No.10643 of 2015
Date of Decision: December 14, 2016**

Paramjit Singh & Ors.

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms.Harpreet Kaur Dhillon, Advocate,
for the petitioners.

Mr.B.M.Vinayak, DAG, Punjab.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the alleged inaction on the part of the respondent authorities, petitioners have approached this Court, by way of instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus, directing the respondent authorities to enter and sanction the mutation in favour of the petitioners.

Notice of motion was issued and in compliance thereof, written statement was filed on behalf of respondent Nos.1 to 5.

The only argument raised by learned counsel for the State is that Assistant Collector IInd Grade has rejected the mutation on the ground that there was no order regarding return of land to the petitioners. However, when he was confronted with the specific entry recorded in column No.13 of the same document, Annexure R-1, he had no answer, and rightly so, it being a matter of record. It seems that Assistant

Collector IInd Grade has misdirected himself while altogether ignoring the entry recorded in Column no.13 of the same document to the effect that return of land has already been ordered and in compliance thereof, petitioners deposited the requisite amount vide receipt dated 6.12.1968. Again, in this very column letter No.1/48/87 M/T 1155 is also recorded. Having said that, this Court feels no hesitation to conclude that Assistant Collector IInd Grade has exceeded his jurisdiction while rejecting the sanction of mutation in favour of the petitioners.

Once the receipt of payment of the requisite amount is not in dispute, nothing was expected to be done at the hands of the petitioners. It also goes without saying that petitioners would have been permitted to make the payment only in compliance of the order regarding return of land to them. It deserves to be noticed here that initially, the land owned by the petitioners was acquired for setting up brick kiln for the limited purpose of brick lining the canal. Once the said purpose was achieved, land was of no use to the State Government and it was decided to be returned to the landowners. That seems to be the only reason that petitioners were asked to make the payment of requisite amount which they did and said payment made by the petitioners was duly accepted way back in the year 1968.

Keeping in view this undisputed fact situation obtaining on record of the present case, it can be safely concluded that respondent authorities were proceeding on an arbitrary approach while not sanctioning the mutation in favour of the petitioners particularly when,

petitioners were admittedly in cultivating possession of the land in question.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, present writ petition deserves to be accepted. Consequently, respondent authorities are directed to sanction the mutation in favour of the petitioners ignoring the order (Annexure R-1), whereby Assistant Collector IInd Grade rejected the mutation.

Should there be any confusion in this regard, it is also clarified that respondent authorities shall enter and sanction mutation in favour of the petitioners qua the entire land for which they have already made the payment.

Let the needful be done at an early date but in any case within a period of two months from the date of receipt of a certified copy of this order.

With the abovesaid observations made and directions issued, present petition stands allowed, however, no order as to costs.

December 14, 2016

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(RAMESHWAR SINGH MALIK)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No