

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CWP No.17686 of 2016
Date of Decision : 30.8.2016

Kuldeep Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Vishal Munjal, Advocate for the petitioner.

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RAMESHWAR SINGH MALIK, J

Instant writ petition is directed against the order dated 3.10.2013 (Annexure P-4), whereby the order passed by the Assistant Collector, Ist Grade, Collector as well as the Commissioner were upheld regarding entering and sanctioning of mutation, on the basis of civil court decree.

Heard learned counsel for the petitioner.

It is undisputed on record that there was a civil court decree between both the parties. When the suit of contesting respondents was decreed and they produced the civil court decree before the Assistant Collector, he was bound to implement the same by entering the mutation. Mutation was rightly entered and duly sanctioned, in accordance with law. Thereafter, petitioner filed his appeal, which was rightly dismissed by the Collector vide order dated 7.12.2009 (Annexure P-2). His first revision was also dismissed by the Commissioner, Jalandhar Division, vide order dated

19.10.2010 (Annexure P-3). It is pertinent to note that every revenue authority has left it open, granting liberty to the petitioner that if his appeal against the original civil court decree is accepted in future, he would be entitled to approach the revenue authorities, on the basis of final decree passed by the learned court of competent jurisdiction and the said decree shall be duly honoured.

However, still not satisfied, petitioner approached the Financial Commissioner by way of his revision petition, which was rightly dismissed by the learned Financial Commissioner, vide impugned order dated 3.10.2013 (Annexure P-4). A bare combined reading of all the impugned orders would show that the learned revenue authorities have examined, considered and appreciated all the relevant aspects of the matter in correct perspective before recording their cogent findings, which have been duly supported by sound reasons. Concurrent findings of facts recorded by the learned revenue authorities in all the above said four orders, have not been found suffering from any patent illegality or perversity. It also goes without saying that mutation does not confer any title.

It is not the pleaded or argued case on behalf of the petitioner that there is any apprehension of reducing his share in the suit land. His regular Second Appeal bearing RSA No.1815 of 2001 is pending decision before this court, as stated by learned counsel for the petitioner. It has already been made clear by the revenue authorities, as noticed herein above, that whatever will be the final outcome of the appeal of the petitioner, the same shall be acted upon by the revenue authorities. Having said that, this court feels no hesitation to conclude that neither any of the revenue authorities have exceeded their jurisdiction nor they have committed any

error of law, while passing their respective impugned orders and the same deserve to be upheld. Further, no prejudice of any kind, whatsoever, has been shown, which might have caused to the petitioner, while passing the impugned order.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this court is of the considered view that since the impugned order passed by the Financial Commissioner is based on true facts and circumstances of the case as well as it has been passed strictly in accordance with law, it deserves to be upheld. The writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above said observations made, the present writ petition stands dismissed, however, with no order as to costs.

30.8.2016
GS

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No