

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24469 of 2016
Date of decision: 28.11.2016

Darshan Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. S.K. Bawa, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the impugned orders dated 08.09.2015, 08.05.2012, 07.01.2011 and 19.02.2010 passed by the respondent revenue authorities, whereby mutation was sought to be sanctioned on the basis of natural succession, ignoring the Will dated 25.02.2002, setup by the petitioners, they have approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the impugned orders.

Heard learned counsel for the petitioners.

It is a matter of record that suit for declaration filed by the petitioners themselves on the basis of same Will dated 25.02.2002 is pending decision before the learned Court of competent jurisdiction. Genuineness and validity of the Will is yet to be proved by the petitioners. Till the Will is duly proved by the petitioners, being the propounders of the Will, the respondent revenue authorities committed no error of law, while passing their respective

impugned orders, ignoring the said Will and entering the mutation on the basis of natural succession. It also goes without saying that the mutation does not confer any title.

The Civil Court decree that would be passed between the parties, shall be binding on the revenue authorities as well as on the parties to the litigation. Whosoever shall be held to be beneficiary of the Will, the revenue authorities shall act accordingly, in compliance of the directions issued by the learned Civil Court.

Should there be any confusion in this regard, it goes without saying that the petitioners shall be at liberty to seek appropriate interim order from the learned Civil Court, before whom the civil suit for declaration of the petitioners is already pending.

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 the present writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

With the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

28.11.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No