

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 4686 of 2016
Date of Decision: March 11, 2016

Jai Bhagwan and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Vikram Singh, Advocate,
for the petitioners.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari setting aside order dated 19.01.2016 (Annexure P/4) passed by respondent no.1-Financial Commissioner, Haryana.

Brief facts of the case are that private respondents filed an application for correction of khasra girdawari on the basis of sale deed No. 1200 dated 14.06.1994 before the Assistant Collector 2nd Grade, Kaithal. The petitioners also filed an objection petition. Vide order dated 09.01.2014 (Annexure P/2), the Assistant Collector 2nd Grade, after hearing the parties, dismissed the objection petition filed by the petitioners by observing as under:-

“I have heard the parties carefully. After hearing both the counsel for the parties and after perusal of case file, I came to the conclusion that as per the present application dated 24.12.13 there is no order from any competent court to stop or adjourned sine die the proceedings of girdawari. This application has been filed just to delay the proceedings of

Girdawari. So while not finding any force in the application filed by the respondents, I dismiss it. Now file be put up on 13.01.14 for written statement of the respondents.”

Against that order, petitioners preferred an appeal before the Commissioner. Vide order dated 22.08.2014, the Commissioner disposed of the appeal by observing as under:-

“... As per the contentions of the counsel for the respondents no dispute is pending between the parties with regard to remaining 8 kanals land. In my opinion while keeping in view the objection of present petitioner no.3 the proceeding of khasra girdawari relating to disputed land measuring 6 kanals 8 marlas is justified to keep adjourned sine die till the decision of Hon'ble Civil Court. Besides this the remaining land regarding which no dispute is pending the Assistant Collector IInd Grade is free to proceed as per law. The revision is being disposed of as above.”

Against order dated 22.08.2014, respondents no. 4 to 11 filed a revision petition. Vide order dated 19.01.2016 (Annexure P/4), the Financial Commissioner accepted the revision petition and set aside order dated 22.08.2014 passed by the Commissioner. The operative part of the order dated 19.01.2016 reads as under:-

“In the light of the above, revision petition is accepted and the order dated 22.08.2014 passed by Id. Commissioner, Ambala Division, Ambala is set aside, whereas the order dated 09.01.2014 passed by AC, 2nd Grade, Kaithal is restored. It is further directed that procedure prescribed in standing order no.2 shall be complied with in letter and spirit including making all shareholders the necessary parties, before taking further proceedings in the matter at the level of AC, 2nd Grade, Kaithal.”

Hence, instant writ petition.

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

Hon'ble Division Bench of this Court in **Suhag Wanti vs. Commissioner, Patiala Division, Patiala and others, 2013(1) CivCC 100** has held as under:-

“16. As we have already noticed, the object of harvest inspection/girdawari is to collect accurate information regarding crops, change in rights, rent and possession of land, amendments required in the village map, the data with regard to crops for the purpose of overall planning. One must understand that basis or nature of a revenue entry, namely, it neither confers nor divest a party of its title whether proprietary or possessory and is a mere fiscal entry recorded to update the revenue record. It, therefore, cannot be held that a khasra girdawari cannot be recorded or corrected during pendency of a suit.

17. Thus, the question posed is hereby answered by holding that a revenue authority has jurisdiction to conduct spot inspection with regard to change of entries in the khasra girdawari even if a suit involving a question of title and/or possession is pending, but such an entry is not 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 law laid down by this Hon'ble Court in **Suhag Wanti's case (supra)**, I do not find any illegality or perversity in the impugned order.

Dismissed. However, whatever be the decision by the civil court, it will be binding upon the parties.

March 11, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge