

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

LPA No.1877 of 2015 (O&M)

Date of Decision : 22.08.2016

Sukhpal and another

....Appellants

Versus

State of Haryana and others

....Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN**

Present: Mr. Rajiv Sharma, Advocate
for the appellants.

.....

MAHESH GROVER, J.

CM No.4051-LPA of 2015

Marginal delay of 6 days in filing the appeal is condoned.

Civil Misc. stands allowed.

LPA No.1877 of 2015

This appeal is directed against the judgment of the learned
Single Judge dated 16.10.2015.

The appellants allege that some mutations adversely
affecting their rights were entered into by the competent authority
without following the process of law. They also allege fraud.

Instead of taking recourse to the remedy of appeal and
revision etc., which was available to the appellants against the orders
passed by the learned Assistant Collector IInd Grade, the appellants
chose to make a representation urging the very same authority to
review its own order. The writ court observed that such a power was
not manifested in the provisions of law and rightly so. The appellants

had the appropriate remedies which they did not avail of. The learned Single Judge noticed as below :-

“In such circumstances, no direction can be issued. Even if the application is filed before the concerned authority i.e. Assistant Collector 2nd Grade, who has sanctioned the mutation, then permission of the higher authority is required. Section 15 of the Punjab Land Revenue Act empowers the review by the revenue officers. If mutation has been sanctioned at the back of the petitioners, then they have right to file an appeal under Section 13 of the Punjab Land Revenue Act. Otherwise also, present petition has been filed after four years of sanctioning of mutations. It appears that just to avoid the limitation, instant writ petition has been filed.”

Learned counsel for the appellants has not been able to point out any infirmity in the aforesaid findings. Reliance was placed on Section 16 of the Punjab Land Revenue Act, 1987 to plead that this ought to be construed as a power of review with which we do not agree as Section 16 of the Punjab Land Revenue Act, 1987 has conferred powers upon the Financial Commissioner, Commissioner and the Collector, as the case may be, to call for the records of the authority ranked below them for the purpose of looking into the validity of the orders passed by such authorities. We thus do not find

any reason to interfere in the Letters Patent Appeal which is totally misconceived and is, therefore, dismissed leaving the appellants to their remedies in law.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

22.08.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No