

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.10688 of 2010 (O&M)
Date of Decision: February 01, 2017

Sher Singh & others

...Petitioners

Versus

Financial Commissioner (Appeals-I), Punjab, Chandigarh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Mandeep Singh Bedi, Senior Advocate with
Mr.Vipul Babuta, Advocate,
for the petitioners.

Mr.Yatinder Sharma, Addl.A.G.Punjab,
for the State.

Mr.S.S.Toor, Advocate,
for respondent No.3.

AMIT RAWAL, J. (Oral)

CM No.423 of 2014

Prayer in the application is for setting-aside the order dated 17.9.2012, whereby the counsel for respondent No.3 was directed to deposit Rs.5,000/- as costs.

Mr.S.S.Toor, learned counsel for applicant-respondent No.3 submits that he noted the date 18.9.2012 instead of 17.9.2012, which fact is evident from Annexure A-1, i.e., photocopy of the brief maintaining the dates. The non-appearance was neither intentional nor willful, but due to wrong noting of the date.

For the reasons mentioned in the application, which is supported by an affidavit, the order dated 17.9.2012 imposing costs of

Rs.5,000/- upon counsel for respondent No.3 is recalled.

Application stands disposed of.

CWP No.10688 of 2010

The grievance of the petitioners in the present writ petition is to the impugned orders passed by the revenue authorities, whereby the mutation of the land in dispute has been effected by way of 'Farad Badar' in favour of the State on the premise that the land has been acquired vide notification dated 12.5.1951 (Annexure R-1).

Mr.S.S.Toor, learned counsel for respondent No.3 has brought to the notice of this Court Annexure A-1 with Civil Misc.No.2236 of 2014, copy of Civil Suit No.599-RBT/15.6.2006 (Sher Singh & others Versus The Administrator, Pepsu Township Development Board Rajpura), stated to have been filed by the petitioners, seeking the following relief:-

“Suit for declaration to the effect that the plaintiffs are owners in possession of the agricultural land measuring 5 bighas 7 biswas comprised in khewat No.318, khatoni No.495, khasra No.1069/1 (1-03), 1072/1 (1-14), 1073/1 (1-13), 1074/1 (0-17), as per Jamabandi for the year 1992-93 and now khewat No.373, khatoni No.557, khasra No.1491/1072 (0-15), 1495/1073 (0-3), khewat No.374, khatoni No.58, khasra No.1490/1072 (0-6), 1494/1073 (0-12), khewat No.375, khatoni No.559, khasra No.1069/1 (1-3), 1492/1072/1 (0-12-1/2), khewat No.376, khatoni No.560, Khasra No.1489/1072 (0-0-1/2), 1493/1073 (0-18) and 1074/1 (0-17) as per jamabandi for the year 2002-03 attached situated in the revenue estate of village Dhamauli Tehsil Rajpura District Patiala by declaring

: 3 :

mutation No.1485 so sanctioned vide Farad Badar No.4 as null and void qua the rights of the plaintiff over the land in dispute as the same has never been acquired nor any compensation of the same has been paid to the plaintiffs and for mandatory injunction directing the defendant Board to denotify the land in dispute and further for consequential relief of permanent injunction restraining the defendant board from taking forcible possession of the land in dispute from the plaintiffs except in due course of law.

Value of the suit for the purpose of court fee and jurisdiction is Rs.195/- for the relief of declaration and Rs.130/- for the relief of mandatory injunction.”

Since the petitioners have already availed remedy by invoking Section 45 of the Punjab Land Revenue Act, I am of the view that parallel proceedings in the writ petition cannot be initiated.

Liberty is granted to the petitioners to pursue the remedy already availed.

Writ petition stands disposed of.

February 01, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No