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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-16343-2016 IN
CWP-19524-2009 (O&M)
Date of decision : 24.05.2017

Mahant Vijay Kumar Dass

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep Wadhawan, Advocate
for the applicant/petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. A.S. Narang, Advocate
for the applicant in CM-6249-2017.

AMIT RAWAL, J. (ORAL)

The present application has been filed on behalf of the applicant/petitioner for revival of the Writ Petition, aforementioned by recalling the order dated 05.10.2010, whereby the writ petition was disposed of as infructuous in view of the impugned orders withdrawn by the respondent and now the said impugned orders have been revived in the year 2016 i.e. after six years.

Mr. Sandeep, learned counsel appearing on behalf of the applicant submits that after expiry of the period of 6 years, the mutation proceedings were again raked up at the instance of Vijay Kumar, before the Revenue Court and resultantly, it has been upheld in his favour. It is, in this

backdrop of the mater, a cause of action had accrued in his favour to seek the revival of the writ petition as the possession of the property is with his client. Moreover, the State may not take the steps for the appointment of Mahant.

I have heard the learned counsel for the applicant and appraised the paper book and of the view that the mutation does not confer any title as it is only for fiscal purposes, much less, cannot be kept in abeyance in view of the *ratio decidendi* culled out by the Division Bench of this Court in "Jagjit Singh vs. Divisional Commissioner Patiala and others" 2012 (13) RCR (Civil) 96. The dispute is basically between the present petitioner and the private respondent(s) regarding Mahantship of the property.

Keeping in view the aforementioned fact, I deem it appropriate to dispose of the present writ petition with the liberty to the applicant/petitioner to seek the vindication of his grievance by filing a suit for declaration, in order to prove whether he was duly appointed Mahant or not, in accordance with law.

Application is for recalling is allowed.

The present writ petition stands disposed of, accordingly.

However, in case the applicant/petitioner succeeds in the suit, the fallout of the impugned order will be subject to the outcome of the same.

24.05.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned Yes/ No

✓

Whether Reportable Yes/ No

