

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.20343 of 2013 (O&M)
Date of Decision.20.03.2017

Mahant Lekh Ram Chela Shri Om Parkash Chela Shri Dharam Dass
.....Petitioner

Vs

State of Punjab and others
.....Respondents

Present: Mr. Naresh Kaushik, Advocate for
Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

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

Mr. Harsh Manocha, Advocate for
Mr. Ajai Pal Singh, Advocate and
Mr. Suvineet Sharma, Advocate
for respondent No.6.

Mr. D.K. Singla, Advocate for
Mr. M.K. Singla, Advocate
for respondent No.7.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The petitioner has approached this Court with the following
prayer:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to enter the mutation No.2095 dated 31.01.2010 in favour of Mahant Om Parkash Chela Mahant Shri Dharam Dass at its original number, which was removed in connivance with the revenue officials of the Tehsil Patran, Distt. Patiala and further directing the official respondents to initiate the criminal as well as departmental proceedings against the erring officials who in connivance with the respondent No.6 removed the above said mutation from its original number

AND/OR

Any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper may kindly be issued keeping in view

the facts and circumstances of the present case.”

In the written statement filed by the respondent at page 159, it is mentioned the petitioner had filed the civil suit claiming the ownership and possession but the same was declined in the year 1990. However, it has been brought to the notice of this Court that in the revenue record, the mutation remained in favour of the petitioner whereas the appeal at the instance of the petitioner is pending. In this regard, a civil suit was also filed in the year 2010 but the same was dismissed as withdrawn. The fact of the aforementioned proceedings has not been disclosed.

This Court called upon the petitioner of having not been approached this Court with clean hands but the counsel for the petitioner submits that his client did not mention the aforementioned fact.

I am of the view that the petitioner had been remiss in not coming to this Court with clean hands. Even otherwise the mutation does not confer title. It cannot be kept in abeyance. It is only for the fiscal purpose.

For the reasons aforementioned, no ground for interference is made out, much less, doctrine akin to judicial review. The writ petition is dismissed with costs of ₹1 lac to be paid to the respondents within a period of one month from the date of receipt of certified copy of this order. In case the costs is not deposited as directed, the respondents shall be at liberty to move appropriate application in this regard.

(AMIT RAWAL)
JUDGE

March 20, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No