

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

CWP No.19465 of 2015
Date of decision : 21.03.2017

Joginder Pal and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Rajesh Punj, Advocate for the petitioners.

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

AMIT RAWAL, J. (Oral)

Grievance of the petitioners in the present writ petition is that they had by virtue of the arbitration award dated 08.06.2011 (Annexure P-1), registered vide Vasika No.1339 dated 10.06.2011 have become owner of the property. However, respondents have not sanctioned the mutation, which fact is evident from the rapat No.224 dated 29.11.2012 and the stand taken in para No.2 of the written statement, reads thus:-

“2. That on receiving the summons from this Hon'ble Court, the concerned record of the property subject matter of the CWP was called and after perusal, it has been found that Smt. Shanti Rani was the owner of the property in question. Smt. Shanti Rani died in the year 1997. Smt. Shanti Rani died intestate and a mutation of inheritance being Mutation No.19800 had been got entered in the revenue record but due to non pursuance and non fulfilling

of formalities, the said mutation could not be sanctioned and remained pending. As such the ownership in the revenue record is standing in the name of Smt. Shanti Rani.”

It is strange that authorities forced the petitioners to approach the Court for not effecting the mutation. It is settled law that parties have many remedies amongst themselves to settle the disputes either through the Court or through the arbitration. Once arbitration award, which is registered one, has held the petitioners to be the owner, mutation has to follow. Stand of the respondent No.5, in my view, is totally arbitrary and erroneous.

Resultantly, direction issued to the respondents to effect mutation in respect of arbitration award within a period of two months failing which the respondents shall be burdened to pay cost of ₹10,000/-.

Writ petition stands disposed of in aforementioned terms.

21.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No