

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

CWP No.21589 of 2017

Date of Decision: November 02, 2017

Hardev Singh and others

. . . . Petitioners

Vs.

Financial Commissioner (Revenue) Punjab and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Gurbir Singh Sidhu, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have challenged the orders of the Assistant Collector, Grade-I, Barnala dated 29.8.2000, District Collector, Sangrur dated 13.8.2001 and Financial Commissioner dated 30.11.2016.

In brief, it is averred in the petition that respondents No.5 to 9 had filed civil suit No.237 of 1991 for declaration and permanent injunction, which was decreed partly in favour of respondents No.4 to 8 to the effect that they are owner of the land in question to the extent of 1/3rd share but the relief of permanent injunction was declined as they were not found in possession. Respondents No.5 to 9 approached the relevant authority for the purpose of mutation on the basis of the decree. The application for mutation was contested by petitioner No.2 on the ground that mutation cannot be effected without getting possession of the land but the Assistant Collector, Grade-I allowed the mutation on 12.11.1996. The appeal filed by the petitioners against that order was allowed and the matter was remanded back

to the Collector. This time, the Assistant Collector, Grade-I sanctioned the mutation. The said order was again challenged by the petitioners before the Collector, who again remanded the matter back to the Assistant Collector, Grade-I and the Assistant Collector, Grade-I vide his order dated 29.8.2000 sanctioned the mutation ignoring the fact that Khasra No.200//2/1 (4-0) was not in that decree. The Collector also upheld the order of the Assistant Collector, Grade-I vide his order dated 13.8.2001. However, the Commissioner, Patiala accepted the appeal of the petitioners and remanded the matter back to the Assistant Collector, Grade-I on 20.10.2004 but his order has been set aside by the Financial Commissioner on 30.11.2016. The grievance of the petitioners is that since Khasra No.200//2/1 (4-0) was not in the decree, therefore, it could not have been made part of the mutation.

I have heard learned counsel for the petitioners and perused the record.

The Assistant Collector Grade-I vide his impugned order dated 29.8.2000 has specifically held that since Khasra No.200//2/1 (4-0) is not mentioned in the decree, therefore, the decree-holders should get the decree rectified as the revenue Court cannot go beyond the decree.

In view thereof, there is hardly any error in the impugned orders which requires interference of this Court and hence, the present petition is hereby dismissed.

NOVEMBER 02, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No