

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

CWP No.4500 of 2014
Date of decision : 08.03.2017

Ramesh

...Petitioner

Versus

Financial Commissioner (Revenue) Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: None.

AMIT RAWAL, J. (Oral)

The petitioner has approached this Court seeking following relief:-

“Civil Writ petition under Article 226 and 227 of the Constitution of India for the issuance of writ in the nature of certiorari for issued quashing the impugned order dated 21.08.2013 (Annexure P-4) passed by Ld. Financial Commissioner (Revenue) Haryana is totally illegal and order dated 13.10.2010 (Annexure P-3) passed by Ld. Commissioner Rohtak and order dated 30.03.2009 (Annexure P-2) passed by Ld. Collector-cum-DRO Rohtak and order dated 27.09.2008 (Annexure P-1) passed by Assistant Collector 2nd Grade Rohtak, whereby impugned mutation No.9248-A have been sanctioned which is totally illegal, null and void and against the provision of the

statutes.”

This case was adjourned sine die on 19.05.2014 and has been listed after informing the counsel. There is no representation on behalf of the counsel.

Dispute in the present writ petition is regarding mutation No.9248-A which according to the petitioners has been sanctioned illegally.

Initially the land belonged to Randhir Singh (father of the petitioner) who suffered a conditional Will (Annexure P-6) in favour of petitioner and his two wives and as per the Conditional Will, the mothers of the petitioner Smt. Kitabo and Pyari could not transfer the title of the land in question either by way of sale deed or by mortgage. However, according to averments, Kitabo and Pyari in violation of the conditional Will wrongly executed the sale deed of the land in favour of the respondents. A mutation No.9248-A entered on 21.04.1983 in the revenue record but the same could not be sanctioned for more than 24 years i.e. upto year 2007. However, on 27.09.2008, the above said mutation No.9248-A has been sanctioned/restored wrongly and illegally by Assistant Collector, 2nd Grade, Rohtak (Annexure P-1).

All the authorities had entered the mutation which has been done on the basis of registered sale deed. If at all the petitioners had any grievance, they can or could have availed the remedy of suit seeking setting aside of the sale deed. In the absence of challenge to the sale deed, mutation has to be effected as per the registered document and cannot be kept in abeyance. If at all suit had been filed or pending, outcome would have necessary and corollary/consequences, in case petitioners succeed, but not

in the manner and mode as indicated.

No ground for interference is made out.

Accordingly, present writ petition is dismissed.

08.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No