

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

CWP No.5405 of 2014
Date of decision : 05.04.2017

Puran Chand (deceased through LRs)

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Rajender Helwa, Advocate for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

Mr. Yashdeep Nain, Advocate for
Mr. Kuldeep Tiwari, Advocate for LRs of respondent No.5.

AMIT RAWAL, J. (Oral)

The grievance of the petitioner in the present writ petition is that owing to the purchase of the land measuring 17 marlas vide sale deed dated 08.12.2005, possession was of the respondent No.5.

In this regard, the application was moved for correction of *khasra girdawri* but the same has been dismissed on the ground that similar application on the same ground had been dismissed, despite the fact that property has been mutated in the name of the petitioner.

I am of the view that concededly the Respondent No.5 (since deceased) is now been represented by his LRs, is in possession of the property. Ordering of correction of *khasra girdawri* on the basis of the

mutation and as well as sale deed would tantamount to clothe the petitioner to take the possession of the property forcibly and in case respondents are found to be in settled possession, they cannot be dispossessed except in due course of law. Remedy, if any, for the petitioner is to seek declaration of ownership by virtue of sale deed and also claims the possession, much less, injunction for creating third party rights under Section 45 of the Punjab Land Revenue Act and any findings arrived at by the authorities below in declining the application for correction of *khasra girdawri* would not come in the way of the petitioner, in essence, the trial Court shall decide the same uninfluenced with the findings and the period spent in the present writ petition for the purpose of filing the suit for possession shall be deemed to be condoned, in case the petitioner choses to file the suit within a period of two months from the date of receipt of certified copy of the order.

With the aforementioned observations, present writ petition stands disposed of.

05.04.2017*pawan***(AMIT RAWAL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**