

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

LPA No.854 of 2017 (O&M)

Date of Decision : 23.05.2017

Gram Panchayat, Village Karamgarh

....Appellant

Versus

The State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present : Ms.Sonia G.Singh Samber, Advocate
for the appellant.

.....

MAHESH GROVER, J. (Oral)

CM Nos.1832 & 1833-LPA of 2017

Having regard to the reasons mentioned in the applications, delay of 59 days in filing and 22 days in re-filing of the appeal is condoned.

C.Ms.stand allowed.

LPA No.854 of 2017 (O&M)

This appeal is directed against the judgment of the learned Single Judge dated 07.12.2016.

The facts are not in dispute. Some land belonging to Jumla Mushtarka Malkan was partitioned and the shares allocated to its proprietors, who then wanted the mutations to be sanctioned in their favour and having failed before the revenue authorities they filed a writ petition from which the impugned order has

emerged.

The learned Single Judge while accepting the petition directed the District Collector, Sangrur to look into the matter and if the mutation proceeding have not been carried out he was directed to do the needful. Further a clarification was given that the Consolidation Officer would have no jurisdiction to sanction the mutation but the Collector was at liberty to refer to the order of the Consolidation Officer to assist him in the process of sanctioning the mutation.

The Gram Panchayat is before us in appeal to question the order and contends that the Shamlat land could not have been partitioned.

We are afraid the proceedings arising out of the order of partition are not before us. It is conceded by the learned counsel for the appellant that those partition orders were indeed challenged by way of writ petition but with no success. If that is so, then we are unable to understand the grievance of the appellant who by its own conduct has permitted the orders to become final, the consequences of which by way of sanctioning of mutation would be just a logical corollary. We thus do not find any infirmity in the findings of the learned Single Judge before whom the controversy was limited only to the sanctioning of mutation and no question with regard to partition proceedings

was ever raised.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

23.05.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No