

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

103

CR No.1522 of 2014 (O & M)
Date of Decision:13.03.2018

Wikar-ul-Rehman Jamali and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shailender Mohan, Advocate
for the petitioners.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. B.S. Bedi, Advocate
for respondent No.2.

ANIL KSHETARPAL, J.(Oral)

Defendants/petitioners are in the revision petition against the order dated 21.11.2013 passed by the learned trial Court allowing the application under Order 1 Rule 10 of the Code of Civil Procedure so as to implead Haryana Wakf Board as party defendant in the suit.

State of Haryana had filed a suit claiming that the property is evacuee property. Defendants, on the other hand, claimed that the property is personal property of the defendants and their predecessor and State of Haryana has no right. Haryana Wakf Board claims ownership on the basis of a Gazette Notification issued by the Union of India dated 26.08.1970 published in Gazette of India dated 17.10.1970.

Learned trial Court after considering the facts available on the file has ordered that Haryana Wakf Board is a necessary party and it will be in the interest of justice that the dispute between the parties is decided after

hearing all the parties, who claim right in the property.

Learned counsel for the petitioners has vehemently argued that initially the mutation was sanctioned in favour of the Wakf Board but later on, Assistant Collector, IInd Grade had cancelled the aforesaid mutation. This position is disputed by learned counsel for the Wakf Board.

Be that as it may, mutation proceedings do not decide the question of title. Revenue Officers while sanctioning mutation only perform executive function. Mutation is sanctioned only for fiscal purpose i.e., for collection of the revenue and updating the revenue record. A suit for determining as to who is the owner of the property is pending. Wakf Board also claims the ownership of the property on the basis of notification issued by the Union of India. Such being position, there is no ground to interfere with the order passed by the learned trial Court.

Hence, the revision petition is dismissed.

13.03.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No