IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

125

1. Civil Writ Petition No.7629 of 2018
Date of Decision: July 10th, 2018

Dalip Kaur and others

...Petitioners

Versus

Financial Commissioner, Punjab and others

...Respondents

2. Civil Writ Petition No.5541 of 2018

Gurdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ramandeep, Advocate
for the petitioners (in CWP No.7629 of 2018).

None for the petitioner (in CWP No.5541 of 2018).

Mr. Aayush Sarna, Assistant Advocate General, Punjab.

Mr. Vikas Mehsempuri, Advocate
for respondent No.5 (in CWP No.7629 of 2018).
for respondent No.2 (in CWP No.5541 of 2018).

Mr. Ashok K. Sharma, Advocate
for respondents 6 (i) to (iii), (iv-a), (v) (vi-a and c)
(in CWP No.7629 of 2018).

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to decide two writ petitions i.e. *CWP No.7629 of 2018* titled as *Dalip Kaur and others Versus Financial Commissioner, Punjab and others* and *CWP No.5541 of 2018* titled as *Gurdev Singh Versus State of Punjab and others.*

2. Challenge in these writ petitions is to the order dated 11.09.2017 (Annexure P-4) passed by the Financial Commissioner, Punjab, Chandigarh, upholding the order dated 02.05.2017 (Annexure P-3)

passed by the Divisional Commissioner, Patiala Division, Patiala-respondent No.2, order dated 18.12.2013 (Annexure P-2) passed by the District Collector, Patiala, whereby the order dated 28.12.2012 (Annexure P-1) passed by the Assistant Collector Grade I, Patiala, was set aside, which conferred the mutation rights upon the petitioners.

3. It is the contention of learned counsel for the petitioners that respondent No.5 is claiming himself to be the adopted son of Shyam Kaur. The adoption deed dated 20.11.2001, which is although asserted to be registered one, has not been duly proved before the revenue authorities. The order as passed by the Assistant Collector Ist Grade, Patiala, rejecting the claim of respondent No.5 and sanctioning the mutation as per the natural succession was fully justified and, therefore, the well reasoned order dated 28.12.2012 (Annexure P-1) as passed by respondent No.1 did not call for any interference by the Appellate Authorities as well as the Revisional Authorities. He contends that the impugned orders, therefore, cannot sustain and deserve to be set aside.

4. On the other hand, learned counsel for respondent No.5 has stated that the Divisional Commissioner, Patiala Division, Patiala, in its order dated 02.05.2017 has clearly depicted the litigation with regard to the adoption deed of respondent No.5 dated 20.11.2001 which is a subject matter of a civil suit and it has been specifically mentioned therein that the mutation as is being entered into in favour of respondent No.5 shall be subject to the final outcome of the civil suit which is pending between the parties and the revenue authorities would implement the decision of the

Civil Court according to the circumstances. His contention is that respondent No.5 has no objection to the observations of the Divisional Commissioner, Patiala Division, Patiala, as in any case, findings of the Civil Court are binding upon the revenue authorities.

5. I have considered the submissions made by counsel for the parties and with their assistance, have gone through the impugned orders.

6. It is an admitted fact that there are various disputes and litigations pending between the parties. One of which is the civil suit, wherein the challenge is to the adoption deed dated 20.11.2001 in favour of respondent No.5. The claim of respondent No.5 is based upon the alleged registered adoption deed and since the said registered adoption deed is a subject matter of a civil suit which is pending adjudication, this Court is of the considered view that the order dated 02.05.2017 passed by the Divisional Commissioner, Patiala Division, Patiala, is in accordance with law, where it has been clearly observed that the final outcome would be dependent upon the decision of the Civil Court and the revenue authorities would be bound by the said decision and it would be incorporated and implemented in the revenue records as per the final order which may be passed by the Civil Court.

7. In view of the above, there appears to be no justification for interfering in the orders impugned in the present writ petitions except for clarifying that the mutation, as sanctioned by the impugned orders, would be ultimately dependent upon the final outcome of the civil suit and whatever is the decision of the Civil Court finally, would be incorporated by

the revenue authorities accordingly.

8. The writ petitions stand disposed of accordingly.

July 10th, 2018 **(AUGUSTINE GEORGE MASIH)**
Puneet **JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No