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

**CM No.25216-CII of 2018 in/and
Civil Revision No.4594 of 2015 (O&M)
Date of Decision: 22.01.2019**

NARENDER KHANDELWAL AND ORS

.....Petitioners

Vs

**THE DEUPTY COMMISSIONER.-CUM-DISTRICT
COLLECTOR, REWARI**

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ranjit Saini, Advocate
for the petitioners.

Mr. R.T. Redhu, D.A.G., Haryana.

Mr. Ajay Jain, Advocate
for the applicant in CM No.18131-CII of 2017.

RAJ MOHAN SINGH, J. (Oral)

[1]. Admitted prayer of the petitioners is that after passing of the order dated 15.05.2012 by the Principal Secretary, Government of Haryana, Chandigarh, remanding the case to the Collector with a direction to decide the application on merits, no order has been passed by the Collector so far.

[2]. Learned counsel for the petitioners submitted that twin prayers were made before the District Collector, Rewari for preservation of the record as well as for demarcation of the land

in dispute. The District Collector, Rewari vide order dated 23.11.2009 passed the following order:-

“A reference was received from Sh. Narender Khandelwal S/o Late Dwarka Das, M-91 Greater Kailash-I, New Delhi, stating that he has an apprehension of one of the crucial revenue record may possibly getting tampered to meet the ends of vested interests. Without prejudice to any decisions or judgments of any competent authority or court, accepting the complaint, it is instructed to all revenue authorities in charge of records, to verify the original record and keep them tamper proof.

Nakal Misal Hakiyat year 1877 contains an entry in column no.7 in front of Sh. Kishori Lal S/o Sh. Mehtab Rai as per the translator (Hari Ram, Rtd Asst. DC Office Rewari) “Dakhil-Khariz Baih, Aath Ana Biswa Ba Avaj 612 Rupaye”. So this may be maintained in tamper proof condition”.

It is appropriate to mention that, No revenue record usually gets tampered. But, considering apprehension of applicant, the instruction is given to revenue authorities concerned, only to infuse confidence in this office.

One of the copies may be returned to applicant after stamping. Another copy may be kept with SDM's office along with relevant files.

*Place:- Rewari
Dated:-*

*Sd/-
District Collector
Rewari”*

[3]. Thereafter memo No.3482 for 08.12.2009 was issued to petitioner No.1 suggesting that the needful cannot be done by the office of the Deputy Commissioner. The office of Deputy Commissioner observed that several legal issues are involved

and it will not be the competence of his office to proceed with the application. Following observations were made in the aforesaid letter:-

“Your application Dated 20.11.2009 was proceeded and found that several legal issues are involved in it. As per the report by Tehsildar, Rewari dated 27.11.2009, No. 5514, though, as per the misl Hakiyat 1877 the claim may seem to be genuine, but considering long lapse of time, question of limitation and other nuances of revenue records, it will not be the competency of this office to process the application as per your wishes. When the mutation gets translated into jamabandi entry automatically the power of this office ceases and hence may approach civil court for appropriate remedy. Nevertheless, any issue pending with any court, executive or judicial or any other proceedings under Sec. 145 etc will not have any influence by this letter. This is suggestion purely suggestion in nature.

*Sd/-
Deputy Commissioner
Rewari”*

[4]. Against the aforesaid letter of the Deputy Commissioner, Rewari, petitioners ventured to file ROR No.1040 of 2010 and the same was disposed of by the Principal Secretary, Government of Haryana, Chandigarh vide order dated 15.05.2012, remanding the case to the Collector with a direction to decide the application filed by the petitioners on merits.

[5]. Petitioners also approached this Court by way of filing CWP No.2306 of 2014, however the same was got dismissed as withdrawn in order to file a petition in accordance with law.

[6]. At this stage, limited prayer of the petitioners for issuance of the direction to the Deputy Commissioner, Rewari in terms of order dated 15.05.2012 passed by the Principal Secretary, Government of Haryana, Chandigarh can be considered. Accordingly, the office of Deputy Commissioner, Rewari is directed to dispose of the pending application filed by the petitioners in accordance with law, without being influenced by any statement of fact recorded hereinabove.

[7]. The Deputy Commissioner, Rewari shall be obligated to appreciate factual position on record and then pass speaking order after hearing both the sides preferably within a period of three months from the date of receipt of certified copy of this order.

[8]. Since this Court has not decided the *lis* on merits, therefore, liberty is granted to the applicant in CM No.18131-CII of 2017 to file an appropriate application before the Deputy Commissioner, Rewari, who shall decide the application in accordance with law. The aforesaid liberty shall not be construed as a mandate of any nature. The application shall be considered purely on its merits.

[9]. In view of aforesaid observation, this revision petition along with all civil misc. applications is disposed of.

January 22, 2019

(RAJ MOHAN SINGH)
JUDGE

<i>Atik</i>	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No