

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

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Civil Writ Petition No.1856 of 2019

Date of Decision: January 23rd, 2019

Bhagwan Dass

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 09.10.2018 (Annexure P-10) passed by the Financial Commissioner Haryana, whereby the said authority has proceeded to set aside the mutation, which had been sanctioned in favour of the petitioner and respondent No.7 (proforma respondent) as per their natural succession and has further ordered that the mutation be executed as per the registered Will dated 11.09.2013 in favour of respondents 5 and 6 in the light of the fact that the registered Wills were in favour of respondents 5 and 6.

2. It is the contention of learned counsel for the petitioner that the petitioner as well as respondent No.7 being the legal representatives of deceased-Gopal Dass, on his death, got the land mutated in their name. It is thereafter that two registered Wills have been produced and on the basis of the same, the mutations were disputed. The authorities below, on considering the two Wills and not believing the same, rather doubting the genuineness thereof, upheld mutation sanctioned in favour of petitioner and respondent No.7. It is only the Financial Commissioner, Haryana, who vide order dated 09.10.2018 (Annexure P-10) has set aside the said mutation and ordered execution of the mutation in pursuance to the registered Will

dated 11.09.2013. Counsel puts forth a submission that these Wills are forged and fabricated and, therefore, could not have been taken into consideration. He further states that it does not relate to the agricultural land of deceased-Gopal Dass. Thus, a prayer has been made to set aside the order dated 09.10.2018 (Annexure P-10) passed by the Financial Commissioner, Haryana.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the impugned order.

4. It is a settled principle of law that a registered Will cannot be gone into with regard to genuineness or otherwise by the revenue authorities. The presumption attached with the registered Will with regard to its genuineness cannot be questioned before the revenue authorities. It is only the Civil Court, which has the jurisdiction in this regard. Learned Financial Commissioner, Haryana, has proceeded to decide the revision petition on the basis of these settled principles of law, which cannot be doubted with as it is not in dispute that the Will dated 11.09.2013 is a registered Will in favour of respondents 5 and 6. The remedy, therefore, is available to the petitioner with regard to the assertion, as has been put forth by him with regard to the doubting of the genuineness of the registered Wills. The order as passed by the Financial Commissioner, Haryana, being based upon settled principles of law, do not call for any interference by this Court in exercise of its extraordinary writ jurisdiction.

5. The present writ petition, therefore, stands dismissed with above observations.

6. Petitioner, if so advised, may avail of his remedy in accordance with law.

January 23rd, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No