IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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CWP-7771-2019 &
CM-14134-CWP-2019

Date of decision: 24.09.2019

JASWINDER SINGH AND ANOTHER

...PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harsh Goyal, Advocate,
for the petitioners.

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AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-14134-CWP-2019

Prayer in this application is for placing on record documents Annexures P-5 to P-7.

Application is allowed subject to just exceptions. Documents are taken on record as Annexures P-5 to P-7.

CWP-7771-2019

It is the contention of the learned counsel for the petitioners that the orders passed by the revenue authorities without taking into consideration the compromise dated 14.02.1960, which has been entered into between the parties and has been acknowledged by the Assistant Collector 1^{st} Grade in the order dated 02.09.1970 (Annexure P-7) and the order dated 31.03.1970 (Annexure P-6), have led to a situation where the compromise, which has been entered into between the parties and which stands acknowledged by the revenue authorities, has been totally ignored by the authorities in the partition application resulting in the orders being passed which would leave the petitioners without the benefit of 25 Bighas of additional land which would fall to their share because of the compromise. He further contends that the orders, therefore, impugned in the present writ petition cannot sustain and deserves to be set aside.

I have considered the submissions made by the learned counsel for the petitioners and with his assistance, have gone through the records as well as the orders which have been placed on record including the orders which have been impugned.

It is not in dispute that despite the interim orders, which have been referred to and relied upon by the counsel for the petitioners during the partition proceedings i.e. order dated 02.09.1970 (Annexure P-7) and order dated 31.03.1970 (Annexure P-6), have not been incorporated in the revenue record. It is a settled preposition of law that unless a compromise has been entered in the revenue record, the same cannot be relied upon for giving any benefit to a claimant of such a compromise especially when the same is not acknowledged by the other party.

It is also not in dispute that as of now, there is a suit for declaration for the land which is the subject matter of the present case i.e. 25 Bighas which the petitioners are claiming as extra land due to a family settlement/agreement, is pending before the trial Court and in the light of the said suit, wherein declaration has been sought by the petitioners and that too, on the basis of the compromise, the orders, as have been passed by the revenue authorities, cannot be faulted with. As and when the civil suit is finalized, the consequences would follow.

There is no merit in the present writ petition as the orders, which have been passed by the revenue authorities which have been impugned, are in accordance with law. Therefore, this Court does not intend to interfere in the orders passed by the revenue authorities for the discretionary relief which has been sought by the petitioners. The writ petition, therefore, stands dismissed in limine.

September 24, 2019 **(AUGUSTINE GEORGE MASIH)**
pj **JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No