

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

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**CIVIL WRIT PETITION NO.15808 OF 2019
DATE OF DECISION: SEPTEMBER 27,2019**

Bhola Singh

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. A.D.S.Jattana, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 09.01.2007 (Annexure P-12) passed by the Additional Deputy Commissioner, Amritsar; order dated 28.08.2007 (Annexure P-15) passed by the Commissioner, Jalandhar Division, Jalandhar; order dated 02.11.2010 (Annexure P-18) passed in the revision petition preferred by the petitioner and order dated 24.01.2018 (Annexure P-20) passed by the Financial Commissioner (Revenue), Punjab, in the review application.

Petitioner has approached this Court with a grievance that the authorities have not taken into consideration the fact that the mutation of the land, which belonged to Shanti Devi daughter of Hazari Singh, after her death on 12.01.1985, was sanctioned in favour of Harjit Singh, her husband, by the Assistant Collector IInd Grade, Amritsar. Kulwant Singh, who was attorney of Jaswant Singh, filed an appeal before the Sub Divisional

Magistrate-cum-Collector, Amritsar, challenging the mutation sanctioned in favour of Harjit Singh, which was accepted and the inheritance of Shanti Devi was sanctioned in favour of Kulwant Singh on the basis of an unregistered Will dated 15.04.1984. During the interregnum, Harjit Singh, husband of Shanti Devi, sold the land to Mubarak Singh vide sale deed dated 21.05.2005. Mubarak Singh, therefore, being a bonafide purchaser filed an appeal, challenging the order dated 16.02.2006 before the Assistant Collector Ist Grade, who accepted the said appeal on 09.01.2007 and sanctioned mutation No.1441 in favour of Harjit Singh as per natural succession, which was challenged before the Commissioner, who rejected the appeal on 28.08.2007, leading to filing of the revision petition before the Financial Commissioner, Revenue, who vide order dated 02.11.2010, dismissed the said revision petition, finding no merit therein. Petitioner, who is son of Santokh Singh, then filed review petition, which has also been dismissed by the Financial Commissioner, Revenue, Punjab, vide order dated 24.01.2018.

It is the contention of learned counsel for the petitioner that the petitioner being a bonafide purchaser from Harjit Singh because of the orders, which have been impugned in the present writ petition, would suffer an irreparable loss. He contends that Kulwant Singh became owner of the land on purchase of the land inherited by Joga Singh, who inherited the same from Shanti Devi on the basis of unregistered Will. The mutation was sanctioned by the Assistant Collector IInd Grade on 22.10.1999 on the basis of sale deed dated 02.06.1999, which has never been challenged. With the sanction of mutation, the revenue authorities are left with no jurisdiction and the party, if any, has to approach the Civil Court. Since the mutation

sanctioned in favour of Kulwant Singh has attained finality, Mubarak Singh, who, being a stranger, could not have filed an appeal. He contends that Mubarak Singh has stepped into the shoes of Kulwant Singh, who is the purchaser of the land and the petitioner was not made a party. He, thus, contends that the impugned orders cannot sustain and deserves to be set-aside.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the impugned orders but do not find myself in agreement with the said contentions as raised.

The basic issue, which has to be seen, is as to whether the Collector has sanctioned the mutation rightly and correctly on the basis of natural succession, ignoring the unregistered Will?

The answer to this question is that the beneficiary of the Will himself has denied the execution of the Will. If that be so, the orders as have been passed by the authorities cannot be faulted with and, thus, the same are upheld.

In view of above, finding no merit in the writ petition, the same stands dismissed.

September 27, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No