

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

CWP No. 22978 of 2018

Date of Decision: 26.08.2019

***M/S SHRI RAM OVERSEAS, VILLAGE CHOPRI, TARAORI, TEHSIL
NILOKHERI, DISTRICT KARNAL***

..... *Petitioner*

V/s.

CANARA BANK AND OTHERS

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI.

Present: Mr. Sanjeev Gupta, Advocate,
for the petitioner.

Mr. Nitin Grover, Advocate,
for respondent No. 1.

Mr. P.P. Chahar, DAG, Haryana.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has prayed for the issuance of a writ in the nature of *certiorari* for quashing the order dated 08.08.2018 passed by the Assistant Collector-IIInd Grade, Nilokheri, District Karnal (respondent No. 2) who has refused to sanction the mutation in favour of the petitioner of the acquisition of ownership rights despite execution and registration of sale deed dated 18.07.2018.

In brief, the petitioner had purchased 52 kanal 8 marla agricultural land for an amount of ₹7,99,95,000/- in the auction held on 29.01.2018 by respondent No. 1. Since the sale deed was not being executed, the petitioner filed a writ petition bearing CWP No. 4171 of 2018 which was

disposed of by this Court on 12.07.2018 directing respondent No. 1 to execute the sale deed within a prescribed time. Apropos, respondent No. 1 issued the sale certificate and the petitioner became the owner of the land which was purchased by him. Thereafter, the petitioner had apprised the *Halqa Patwari* for the purpose of entering the mutation of the acquisition of ownership right of the property in dispute. The application was entertained by the *Halqa Patwari* and an entry was made in the Register of mutations but the Assistant Collector, IInd Grade, vide order dated 08.08.2018, declined to sanction the mutation and hence, the present petition has been filed.

At the outset, learned counsel for the respondents has submitted that the writ petition is not maintainable because the petitioner has the remedy of appeal before the Collector in terms of Section 13 of the Punjab Land Revenue Act, 1887 (for short “the Act”) because the impugned order has been passed by the Assistant Collector, IInd Grade.

Learned counsel for the petitioner has though argued with pain that after execution of the sale deed, he has the right in regard to the sanctioning of mutation of his propriety rights and the objections raised by the Assistant Collector, IInd Grade is totally irrelevant but he failed to convince us that the impugned would not be amenable to appeal in terms of Section 13 of the Act. Consequently, the present petition is hereby disposed of by relegating the petitioner to its remedy of filing the appeal against the impugned order dated 08.08.2018 in terms of Section 13 of the Act.

In case any such appeal is filed within a period of 15 days from the date of receipt of certified copy of this order then the appellate authority as well as the respondents shall not raise any issue of limitation as the petitioner has been pursuing its remedy before this Court and the appellate

authority shall decide the said appeal as early as possible but preferably within three months by passing a speaking order.

[RAKESH KUMAR JAIN]
JUDGE

August 26, 2019
Ess Kay

[ARUN KUMAR TYAGI]
JUDGE

<i>Whether speaking / reasoned</i>	:	Yes	/	No
<i>Whether Reportable</i>	:	Yes	/	No