

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
106

CWP-897-2018

Date of decision: 25.11.2019

KULWANT SINGH AND ANOTHER

...PETITIONERS

VS.

FINANCIAL COMMISSIONER (REVENUE) AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. D.S.Gandhi, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 26.05.2016 (Annexure P-1) passed by the Financial Commissioner, Punjab, whereby the revision preferred by the petitioners was dismissed as well as the order dated 28.01.2010 (Annexure P-5) passed by the Additional Commissioner (Appeals), Jalandhar Division, Jalandhar.

It is the contention of the learned counsel for the petitioners that the petitioners are the bona-fide purchasers from one Sh. Santokh Singh, who was co-sharer in the property which is the subject matter of the present proceedings. In the light of the sale deed dated 29.03.2006, petitioners became owners in possession of the said property and as such sought mutation of the same by moving an appropriate application before the authorities. The said application of the petitioners was accepted and the

mutation was sanctioned in their favour but on an appeal preferred by respondent No. 3-Shingara Singh, the mutation sanctioned in favour of the petitioners has been set aside in the light of the fact that there was an injunction against Santokh Singh, the vendor of the petitioners. He contends that the petitioners being the bona-fide purchasers and keeping in view the fact that they were in possession of the suit land, the mutation should have been sanctioned in their favour and the same has been rightly so done by the Collector. He, thus, contends that the orders, as have been passed by the authorities which have been impugned by the petitioners i.e. dated 26.05.2016 (Annexure P-1) and order dated 28.01.2010 (Annexure P-5) cannot sustain and deserve 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 of the case as well as the impugned orders.

A perusal of the impugned orders would show that there is a decree of injunction passed against the predecessor-in-interest of the petitioners i.e. Santokh Singh in a suit which was preferred by respondent No. 3-Shingara Singh which is Suit No. 180 of 2003 wherein an interim injunction was earlier in operation which finally was decreed on 22.12.2006. Petitioners, who have purchased the land on 29.03.2006, could not have so done in the light of the stay of alienation granted by the trial Court. The revenue authority has rightly come to a conclusion that in the light of the civil decree in favour of respondent No. 3-Shingara Singh, the mutation, as sought to be sanctioned by the petitioners, cannot be accepted. Liberty, in any case, was granted to the petitioners to avail of the remedy including going to the Civil Court for the redressal of their grievance, if

any. The principles, on which the orders have been passed by the revenue authorities which have been impugned by the petitioners, are in accordance with law and, therefore, would not call for any interference.

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

November 25, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No