

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 114

Case No. : C. R. No. 5809 of 2019

Date of Decision : September 18, 2019

Ranapartap Singh Petitioner

vs.

The Assistant Collector, 1st Grade-
cum-SDO, Jaito and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Baltej Singh Sidhu, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

On 28.08.2016, one Rasala Singh son of Hakam Singh died. At the instance of the petitioner, FIR No. 68 dated 28.08.2016 was registered under Sections 302/201/34 IPC at Police Station Sadar Malout, District Shri Muktsar Sahib in which investigation is stated to be pending.

Another FIR being No. 0146 dated 18.07.2017 under Sections 420/465/468/ 471/404/120-B IPC was registered at Police Station City Muktsar in which the petitioner, along with some other persons, was accused of having forged Rasala Singh's Will. This Court is informed that in these proceedings, the petitioner has been charged and is facing trial.

In the meanwhile, with regard to the estate of Rasala Singh, necessary corrections in the Register of Mutations was required to be done.

The petitioner, while relying on an unregistered Will of Rasala Singh dated

07.02.2016, moved the Revenue Authorities to mutate Rasala Singh's estate in his favour. On the other hand, respondent no. 3 filed an application seeking to succeed Rasala Singh's estate on the basis of another unregistered Will of his dated 04.05.1998. Respondent no. 4 also claimed Rasala Singh's estate on the basis of succession.

The Assistant Collector First Grade-cum-SDO, Jaito (for short – the Assistant Collector) is seized of the matter with regard to the above conflicting claims made by the parties.

In the meanwhile, the petitioner has filed the instant petition under Article 227 of the Constitution of India seeking therein to restrain the Assistant Collector from correcting the entries in the Register of Mutations with regard to the estate of Rasala Singh during the pendency of the criminal proceedings against the petitioner in pursuance to FIR No. 0146 dated 18.07.2017 under Sections 420/465/468/471/404/120-B IPC, registered at Police Station City Muktsar.

Learned counsel for the petitioner has been heard.

Mutation entries are corrected primarily for fiscal purposes and are recorded in the interest of the State. The proceedings undertaken by the Revenue Authorities with regard to correction in the Register of Mutations are summary in nature and are in the exercise of administrative functions. Thus, the Assistant Collector, while exercising power of correction in the Register of Mutations would not be a “Court” or “Tribunal” and therefore, not amenable to the power of superintendence of this Court under Article 227 of the Constitution of India. In this regard, the following observations

made by a Division Bench of this Court in Jagjit Singh vs. Divisional Commissionier, Patiala and others - 2012 (4) PLR 289 would be useful to refer to. They read as under :-

“23. The fact that the power of the Revenue Officer while sanctioning mutation is an administrative function gets support from the fact that Chapter IX of the Act dealing with the partition of the land empowers a Revenue Officer to determine the question of title as though he was such a 'Court'. If the Revenue Officer acts as a 'Court' under the provisions of Punjab Tenancy Act, 1887, such Revenue Officer discharges quasi judicial functions, but if he acts as a 'Court' under clause (b) of Section 117(2) of the Act, the Revenue Officer would be acting as a 'Civil Court'. Therefore, the same Act in respect of partition empowers the Revenue Officer to act as a 'Court', but on the other hand, the exercise of powers by a Revenue Officer in respect of determination of disputes under Section 36 of the Act, is only an administrative function. In view of the Division Bench Judgment of this court in Sham Kaur's case (supra), with which we are not only bound but are in respectful agreement with, we hold that the revenue officer while sanctioning mutation is discharging purely administrative functions and not that of a quasi judicial authority possessing some of the trappings of a court.

[Emphasis Supplied]”

Even otherwise, Rasala Singh died in August 2016. The entries

in the Register of Mutations cannot be kept in abeyance. The mutation entries also do not confer title. Therefore, the prayer made by the petitioner to restrain respondent no. 1 from entering the record of rights till the criminal proceedings lodged against him reached its end, cannot be accepted especially when admittedly, against the order to be passed by respondent no. 1 with regard to the correction of entries, the petitioner has a statutory right of appeal.

Dismissed.

(DEEPAK SIBAL)
JUDGE

September 18, 2019
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>