

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 1096 of 2020

Date of Decision: January 16, 2020

Sudhir Kumar and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.K. Jain, Advocate and
Mr. Akshay Jain, Advocate
for the petitioners

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Sudhir Mittal, J. (Oral)

The grievance of the petitioners is that learned Financial Commissioner has accepted the revision filed by the private respondents and has directed sanction of mutation.

A Regular Second Appeal was decided vide judgment and decree dated 21.08.2006 on the basis of a compromise. An application for recalling of the order was filed on behalf of the petitioners but the same was dismissed as withdrawn vide order dated 21.05.2007 with liberty to avail any other appropriate remedy available under the law. Thereafter, the petitioners did not take any further steps.

The private respondents sought entry and sanction of a mutation on the basis of the aforementioned judgment and decree but their petition was rejected vide order dated 24.04.2008 by the learned Assistant Collector Ist Grade Hansi. Aggrieved by the said order, an appeal was filed but the same was dismissed. A revision against the appellate order was also dismissed. In the second revision

before the learned Financial Commissioner the orders of the authorities below have

been set aside and the entry and sanction of mutation has been ordered.

Learned counsel for the petitioners submits that the judgment and decree dated 21.08.2006 is not binding on the petitioners. The petitioners were respondents No. 5 and 7 in the said RSA but notice was issued only to respondents No. 1 to 3 therein. The appeal was compromised on an application filed by respondents No. 1 to 3 therein without notice to the petitioners. The petitioners are not even party to the said compromise. Thus, the learned Financial Commissioner was in error in setting aside the orders of the authorities below.

Learned counsel for the petitioners is correct in submitting that the petitioners are not bound by the judgment and decree dated 21.08.2006. However, judgment and decree has been passed and the same has to be given effect to in the revenue record. In case such a change in the revenue record affects the rights of the petitioners they can get their rights vindicated in accordance with law in separate proceedings.

In view of the above, I do not find any infirmity in the impugned order. The petition is, accordingly, dismissed.

January 16, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No