

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.219

CWP-22909-2018 (O&M)

Date of decision : 11.2.2020

Ghanshyam

..... Petitioner

VERSUS

The Commissioner, Karnal Division, Karnal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. U.K. Agnihotri, Advocate, for the petitioner.

Mr. Harkesh Kumar, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

This writ petition has been filed for setting aside order dated 9.4.2018 (Annexure P6) as well as order dated 28.2.2013 (Annexure P-5) passed by the Collector, Assandh and order dated 26.4.2012 passed by the Assistant Collector, IInd Grade, Assandh. A suit filed by the petitioner under Section 13-A of the Punjab Village Common Lands Regulation Act, 1961 (as applicable to Haryana) was decreed vide judgment and decree dated 25.7.2008 and the said judgment has become final inter-parties. Thus, an application for sanctioning of mutation was filed on its basis. It was rejected vide order dated 26.4.2012. Appeal and revision against the said order have also been rejected.

Learned counsel for the petitioner submits that the orders of the authorities below are illegal as the mutation has been rejected on the ground of being time barred. There is no limitation prescribed for sanctioning of a mutation.

Written statement has been filed on behalf of respondent No.3, wherein, the plea of limitation has been taken. However, the limitation

period has not been specified nor the statute under which the limitation is provided, has been mentioned.

A mutation has to be entered to reflect the correct position regarding ownership etc. of the land. It is not in dispute that the judgment and decree dated 25.7.2008 have become final and thus, a mutation was required to be entered on its basis so that the revenue record is upto date. Mutations are governed by Section 34 of the Punjab Land Revenue Act, 1887 and no limitation is prescribed therein. However, if there is an inordinate delay, the revenue authorities may direct the parties to approach the civil Court for vindication of their rights. This is so if intricate questions of law are involved on account of inordinate delay. However, such a situation does not exist in the present case and thus, orders refusing sanction of mutation cannot be sustained in law.

The writ petition is accordingly allowed and impugned order dated 9.4.2018 (Annexure P6) as well as order dated 28.2.2013 (Annexure P-5) passed by the Collector, Assandh and order dated 26.4.2012 passed by the Assistant Collector, IInd Grade, Assandh, are set aside. The respondents are directed to make the necessary entry in the revenue record on the basis of judgment and decree dated 25.7.2008 within a period of eight weeks from the date of receipt of a certified copy of this order.

(SUDHIR MITTAL)
JUDGE

11.2.2020
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No