

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9833-2021(O&M)

Date of decision: 17.05.2021

Jaspreet Kaur and another

.....Petitioners

Versus

Financial Commissioner, Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.K.S.Brar, Advocate, for the petitioners

Ms. Kanica Sachdeva, AAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The petitioner assails the correctness of the order dated 05.02.2021 passed by the Financial Commissioner (Appeals), Punjab. The learned Financial Commissioner has ordered that the revenue authorities should implement the judgment passed by the Civil Court in civil suit no. 50 dated 28.01.2009 decided on 16.11.2017.

Although the learned counsel for the petitioners has not placed on record a copy of the judgment and the decree passed on 16.11.2017 by the civil court, however, it is apparent from the reading of the grounds of appeal that the suit filed by the petitioners for declaration and permanent injunction has been ordered to be dismissed by the civil court.

Respondent no.5 and 6 filed an application in the year 2010 before the Assistant Collector, First Grade for correction of entries in the khasra girdawari. The khasra girdawari is a part of the revenue

record maintained by the revenue authorities to keep a record of the persons who are in the cultivating possession of the agricultural land and the crop sown. Such proceedings are expected to be, primarily, summary in nature. However, as is apparent, these proceedings have remained pending for nearly 11 years. During this period, record of rights must have been prepared as the jamabandi i.e revenue record of rights is prepared every 4-5 years.

It is also well settled that the revenue authorities cannot sit over the judgment passed by the civil court. The learned Financial Commissioner in the impugned order has only ordered that since, in the meantime, a civil court has decided the matter, therefore, the authorities should adhere to and implement the the judgment of the civil court by bringing the necessary changes in the revenue record, accordingly.

In view thereof, no ground to interfere is made out.

Hence, dismissed.

17.05.2021
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No