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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-10584-2021 and  
CWP-13935-2021  
Date of Decision:28.07.2021

**CWP-10584-2021**

Jasvir Kaur and others

....Petitioners

VS

Financial Commissioner (Appeals), Punjab and others

....Respondents

**CWP-13935-2021**

Tejinder Singh

....Petitioner

VS

Financial Commissioner (Appeals), Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

**Present:** Mr. Charanpal Singh Bagri, Advocate  
for the petitioners in CWP No.10584 of 2021

Mr. Bikramjit Singh Baath, Advocate  
for the petitioner in CWP No.13935 of 2021

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**SUDHIR MITTAL, J. (Oral)**

This order shall dispose of CWP No.10584 of 2021 and CWP No.13935 of 2021 as identical facts and questions of law were involved therein and both challenge the same order.

Original owner of the land was one Bir Singh @ Biru. He owned a total of 121K-16M land. Out of this land, he allegedly sold 106K-7M by way of a registered sale deed dated 19.05.1961 in favour of the predecessors-in-interest of respondents No.5 to 8. However, no mutation was claimed on the basis thereof. Subsequently, in the year 1984, Bir Singh died and his property was inherited by his legal heirs in equal shares. Some of them sold their shares to third parties. On

18.04.1996, mutation No.5011 was entered on the basis of sale deed dated 19.05.1961. This has led to protracted litigation. The matter has been remanded to the Assistant Collector, 1<sup>st</sup> Grade, Khamano on three occasions. Finally, vide order dated 28.07.2011, the Assistant Collector, 1<sup>st</sup> Grade Khamano has refused to accept mutation on the basis of sale deed. The said order was challenged by respondents No.5 to 8 by way of an appeal, which was however, dismissed vide order dated 13.06.2013. A revision was carried against the said order and the learned Divisional Commissioner has allowed the same vide order dated 28.07.2015 and has remanded the matter to the Assistant Collector, 1<sup>st</sup> Grade, Khamano for a fresh decision. The said order has been upheld by the learned Financial Commissioner vide order dated 17.02.2021. This order is under challenge in these writ petitions. A perusal of order dated 17.02.2021 shows that the learned Financial Commissioner has remanded the matter to the Assistant Collector, 1<sup>st</sup> Grade for a fresh decision as certain judgments of the Civil Courts have not been taken into consideration by him while deciding the issue. No error whatsoever was pointed out in this reasoning and, thus, the writ petitions have no merits and are accordingly dismissed.

A photocopy of this order be placed on the file of other connected case.

**( SUDHIR MITTAL )  
JUDGE**

**28.07.2021**  
*Poonam Negi*

Whether speaking/reasoned  
Whether Reportable :

Yes/No  
Yes/No