

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-14483-2021

Date of Decision:03.08.2021

Rup Singh

....Petitioner

VS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Surjit Singh Salar, Advocate for the petitioner.

SUDHIR MITTAL, J. (Oral)

This petition has been filed for a direction to the official respondents to enter a mutation in respect of the land in dispute. It has been alleged that property of Inder Singh has to devolve through natural succession as collusive decree suffered by said Inder Singh has been set aside by the Civil Court vide judgment and decree dated 13.09.1985. The said judgment and decree has become final and, thus, the revenue authorities are bound to give effect to the same. Prayer for entry of mutation has been rejected vide order dated 01.10.2020 (Annexure P-20) only on the ground that meanwhile, third party rights may have been created, however, the said ground is unsustainable in law as sale by a person without title is non-est and void.

In my considered opinion, entry of mutation will not help the cause of the petitioner. In case third party rights have been created, he would need to get the said transactions set aside before he can get a declaration of his title. Thus, it would be appropriate for the petitioner to file a Civil Suit rather than insisting upon entry of mutation.

In view of the above, the writ petition is dismissed with liberty to the petitioner to file a Civil Suit.

**(SUDHIR MITTAL)
JUDGE**

03.08.2021

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No