

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

122

CWP No. 7373 of 2022

Date of Decision:- 09.08.2022

JARNAIL SINGH (SINCE DECEASED) THROUGH HIS LRS & ORS

....Petitioners

vs.

STATE OF PUNJAB AND OTHERS

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr.P.K.S. Phoolka, Advocate,
for the petitioners.

Sudhir Mittal, J. (Oral)

On the basis of order dated 17.09.1982 passed by the Collector Agrarian (S.D.O., Civil), Rampura Phul, mutation No. 7119 dated 21.09.1982 was entered in favour of the Punjab Government. This mutation was sanctioned by the Assistant Collector, Ist Grade, on 27.01.1983. The order of sanctioning of mutation was challenged by way of appeal instituted on 17.04.2013. The same was dismissed vide order dated 23.08.2013 on the ground of limitation. This order was challenged by way of a revision petition filed before the Commissioner, who upheld the reasons given by the Appellate Court vide his order dated 09.12.2015. Further, revision before the Financial Commissioner has been dismissed vide order dated 22.11.2019.

Learned counsel for the petitioners has submitted that the authorities below were in error in rejecting the petition filed by the petitioners on the ground of delay. Petitioners came to know of the mutation only in the year 2012 and this fact should have been taken into consideration.

The argument is misconceived. There is nothing on record to suggest

that mutation came to the knowledge of the petitioners only in the year 2012. The authorities below have held that a certified copy of the mutation was obtained by the petitioners on 05.11.2012, yet, appeal was filed after more than five months. This shows that the petitioners are not diligent about their rights. The record further shows that mutation was entered on the basis of order dated 17.09.1982 passed by the Collector (Agrarian) declaring the land in dispute as surplus. Unless and until the order of surplus land/area is set aside, mutation cannot be changed. Thus, even on merits, the petitioners have no case.

In view of the above, the writ petition has no merit and is dismissed.

August 08, 2022
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	No