

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

138

C.W.P. No. 9685 of 2022

Date of Decision:- 09.05.2022

BIKAR SINGH AND OTHERS

....Petitioners

vs.

STATE OF PUNJAB AND OTHERS

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. R.S. Dhaliwal, Advocate,
for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioners allege themselves to be lessees of Nazool land from the Provincial Government. They are aggrieved because pursuant to order dated 13.02.1962 passed by the Secretary to the Government of Punjab in the Development and Panchayat Department, assets and liabilities of the District Boards were divided between the Zila Parishads and Panchayat Samitis. Consequent thereto, mutation No.1774 dated 09.02.1983 was entered in favour of the Panchayat Samiti and the said entity had issued a notice dated 22.07.2016 copy Annexure P-10 to the petitioners to vacate the land, failing which a case would be filed before the Collector, Ferozepur and possession would be taken. This notice was challenged before the Financial Commissioner but the revision petition has been dismissed vide order dated 01.10.2021 on the ground of limitation.

Learned counsel for the petitioners has argued that the entry of mutation in favour of the Panchayat Samiti was the result of a misreading of order dated 13.02.1962. This fact has not been taken into consideration by the Financial Commissioner at all. He has dismissed the revision petition only on the ground of

the mutation dated 09.02.1983 only on receipt of notice dated 22.07.2016. Thus, the order passed by the Financial Commissioner deserves to be set aside.

Before entry of mutation, the proposed change in entry would have been published in the concerned village and the petitioners would have acquired knowledge thereof. However, nothing has been placed on record to show that publication was not done before the mutation was entered. Thus, the bald statement that the petitioners were not aware of the mutation before issuance of notice dated 22.07.2016 cannot be accepted. Consequently, the argument that the Financial Commissioner should have considered the matter on merits also, is rejected.

A perusal of the record further reveals that predecessor-in-interest of the petitioners, namely, Niranjana Singh son of Bachchan Singh was granted a lease for a period of two years from Khariff 1968 to Harri 1970 as he was successful in the auction of Nazool land. After that the record does not indicate that the petitioners continued in possession through lawful lease of the land in dispute. Thus, it is obvious that they are in unauthorized occupation of the land and are intending to perpetuate their possession by raising frivolous pleas. They are not owners of the land in dispute and, thus, they have no *locus standi* to challenge the entry of mutation in favour of the Panchayat Samiti.

For the aforesaid reasons, there is no merit in the writ petition and the same is dismissed.

May 09, 2022
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No