

115

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

CRM-16519-2022 IN/AND
CRM-M-32268-2021
Date of decision:10.05.2022

RAJINDER KAUR AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. R.S. Rai, Senior Advocate with
Mr. P.S. Aulakh, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Rishabh Gupta, Advocate
for respondent No.5.

SURESHWAR THAKUR, J. (ORAL)

1. On the oral request of the learned counsels for the parties, the main case is taken up today.
2. The dispute as arises amongst the contesting litigants, appertains to the validity of the mutation order of intestate succession, as made in the year 1997, on the demise of the last male holder of the contentious property, and, also appertains to the validity of the mutation order of intestate succession, as became attested by the Revenue Officer concerned, in the year 2013 when one, Basant Kaur died.
3. Though, the inquiry report, as is appended with the petition, as Annexure P-2, has declared therein, that the above grievances appertaining to the jurisdiction of the Civil Court concerned. However, the learned counsel, appearing for the petitioner appears to be yet making an implied submission,

before this Court, that yet the aggrieved from the above attestation(s) of mutation(s), which occurred, respectively in the year 1997, and, in the year 2013, being precluded from yet drawing any action, in accordance with law, before the Criminal Court of competent jurisdiction. The afore asked for mandamus is not permissible, and, is declined.

4. Though *prima-facie* the finding, and, conclusions made in Annexure P-2, may be not permissible to be re-opened before any police officer, but definitely the aggrieved from the above made attestations of mutations, respectively in the year 1997, and, in the year 2013 can yet proceed to, in accordance with law re-course remedies, before the Criminal Court(s) of competent jurisdiction, if not earlier availed on the same, and, similar causes of action.

5. Disposed of accordingly.

6. Since the main case itself has been disposed of, therefore, no fresh order is required to be passed in the pending miscellaneous application(s), and, the same also stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

10.05.2022

ithlesh

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No