

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

114

**CWP-16489-2022 (O&M)
Date of decision: 23.08.2022**

HARINDERPAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Ms. Prabhjot Kaur, Advocate
for the petitioner.

Mr. Saurav Verma, Additional A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

CM-12130-2022

The instant application has been filed under Order 1 Rule 10 of the Code of Civil Procedure, 1908 for impleading the Legal Representatives of the deceased Bhag Singh father of the petitioner as respondent No.3 to 5.

Application is allowed as prayed for and legal representatives of Bhag Singh are ordered to be impleaded as party-respondents No.3 to 5. Amended memo of parties is taken on record.

Registry is directed to tag the same at appropriate place.

CWP-16489-2022

The present writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of Mandamus to direct the District Magistrate, Tarn Taran-respondent No.2 to transfer 30% share of Bhag Singh (deceased father

of the petitioner herein) in M/s Raja Gun House in favour of the petitioner in view of the registered Will dated 15.06.2020 of Bhag Singh (Annexure P-3.).

Learned counsel appearing on behalf of the petitioner contends that Bhag Singh deceased-father of the petitioner was sole proprietor of M/s Raja Gun House. Arms and Ammunition license is issued in the name of M/s Raja Gun House on 28.05.2014 by the District Magistrate, Tarn Taran. Vide order dated 25.01.2018 passed the Additional Chief Secretary, Home, Punjab, the petitioner was incorporated as partner to the extent of 70% share in M/s Raja Gun House and the aforesaid license stands renewed upto 30.03.2024 (Annexure P-2).

She further contends that Bhag Singh had executed a registered Will dated 15.06.2020 vide which he had bequeathed his 30% share in M/s Raja Gun House in favour of the petitioner. The said Will has been appended along with the present petition as Annexure P-3. Bhag Singh is stated to have died on 02.08.2021. A representation dated 01.09.2021 is claimed to have been submitted by the petitioner to the District Magistrate, Tarn Taran-respondent No.2 to transfer 30% share of Bhag Singh in favour of the petitioner in view of the registered Will dated 15.06.2020.

Learned counsel appearing on behalf of the petitioner contends that she will be satisfied in case the respondent-authorities are directed to decide the representation submitted by the petitioner (Annexure P-5) in accordance with law.

Notice of motion.

Mr. Saurav Verma, Additional Advocate General, Punjab appears and accepts notice on behalf of respondent-State. He contends that he has no objection to the petition being disposed of directing the respondent-authorities to adjudicate upon the claim of the petitioner.

Without commenting on the merits of the case and genuineness/validity of the Will relied upon by the petitioner, the present petition is disposed of with a direction to the respondent No.2-District Magistrate, Tarn Taran to look into the representation dated 01.09.2021 (Annexure P-5) in accordance with law and after considering the document Annexure P-3 and by affording opportunity to the other Lrs regarding the validity and genuineness of the Will. An appropriate-speaking order after affording opportunity to all concerned persons and upon the Will remaining uncontroverted and undisputed shall be passed within a period of 04 months of the receipt of certified copy of this order.

The petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 23, 2022

Vishal sharma

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