

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

Sr. No.118

**Civil Writ Petition No.24355 of 2022 (O&M)
Date of Decision : October 29, 2022**

Harcharn Kaur Mand and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Navjeet Singh, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

CM-17037-CWP-2022

This application has been filed for placing on record Annexures P-16 & P-17 and for exemption from filing certified copies thereof.

For the reasons stated therein, the application is allowed. Annexures aforementioned are taken on record and exemption sought is granted.

CWP-24355-2022

The petitioners are the successors-in-interest of one Darshan Singh Mand who had allegedly purchased a plot measuring 1040 Sq. Yds. through sale deed dated 06.03.1985 Vasika No.12378. A dispute has arisen regarding the same as no mutation was got sanctioned by Darshan Singh Mand during his lifetime. Process for sanctioning of mutation was commenced by the petitioners through a General Power of Attorney as the petitioners are presently residing in Canada. This action was resented by respondent No.8 who made complaints of forging of aforementioned sale

deed. On the basis of his complaints, order dated 04.10.2021 (Annexure P-4) has been passed by the Tehsildar-cum-Assistant Collector Ist Grade, Ludhiana canceling mutation No.28084 entered on the basis of Vasika No.12372 dated 06.03.1985. The Sub-Divisional Magistrate, Jagraon has written a communication dated 29.12.2021 to the Inspector General of Registration requesting him to take action against a Clerk in the record room office, Ludhiana East for having committed forgery. The office of the Deputy Commissioner has also sent a communication dated 05.08.2022 to the District Revenue Officer, Ludhiana asking him to rectify the revenue record. Objections dated 01.09.2022 have been filed thereagainst by the petitioners.

Learned counsel for the petitioners has submitted that the petitioners have not been associated with inquiry conducted by the Sub-Divisional Magistrate, Jagraon. Action is sought to be taken for cancellation of the sale deed in their favour on the basis of the said inquiry which is not permissible in law. A civil suit has already been filed seeking a declaration on the basis of sale deed No.12378 dated 06.03.1985 and till the decision of the same, no further action should be taken.

It has also been submitted that mutation entered on the basis of aforementioned sale deed is being rectified without taking into consideration the objections dated 01.09.2022 filed by the petitioners.

So far as rectification of a mutation is concerned, the same can only be done by following the procedure prescribed by law. No rectification is possible without issuance of notice to the petitioners and thus, the apprehension of the petitioners is misconceived.

Regarding the apprehension of cancellation of sale deed by the Executive Authorities, the same is also misplaced as it is settled law that a sale deed can only be declared to be illegal by a Civil Court. The Civil Court is already ceased of the matter. Yet, if an order adverse to the interests of the petitioners is passed, the same can always be challenged in accordance with law. At this stage, the petitioners cannot be granted any relief in this regard as the record does not show that any steps are being taken for cancellation of the sale deed.

With the aforementioned observations, the writ petition is disposed of.

October 29, 2022

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No