

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

114

RSA-949-2014(O&M)
Date of decision: 09.08.2022

HARI SINGH & ANR.

..Appellants

Versus

RAM CHAND & ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Saneep Punchhi, Advocate
for the appellants.

Mr. B.S. Mittal, Advocate
for respondent No.1 and 2.

ANIL KSHETARPAL, J(Oral)

1. The defendants, in a suit for grant of declaration with a consequential relief of permanent injunction, assail the correctness of judgment and decree passed by the First Appellate Court. The dispute between the parties is with respect to the location of the property sold by predecessor in interest of the defendants in favour of the plaintiffs vide sale deed dated 25.03.1987. As per the sale deed, 2 kanal plot was sold by late Sh. Dula Ram to the plaintiffs with specific boundaries which are extracted as under:-

*“East: 13 Karam --- surrounded by remaining land of
the vendor.*

West: 13 Karam --- surrounded by public road.

*North: 28 Karam --- surrounded by the remaining land
of the owner.*

*South: 28 Karam surrounded by 3 Karam vide Passage
left by the vendor out of killa.”*

2. The plaintiffs claim that the revenue authorities have wrongly entered mutation of the land by depicting him to be the owner of some other parcel of land which is located far away from the public road.

3. This Bench has heard the learned counsel representing the parties and with their able assistance perused the paperbook.

4. The learned counsel representing the appellant, while drawing the attention of the Court to Ex.P-6 i.e. a copy of the mutation sanctioned in the year 1987, contends that the revenue authorities earmarked the area and sanctioned the mutation in the presence of the plaintiffs. He submits that the plaintiffs never objected to the same for a period of 15 years before filing the suit.

5. This Court has considered the submissions, however, find no merit therein. Late Sh. Dula Ram was admittedly predecessor in interest of the defendants. He sold a plot measuring 2 kanals with a specific boundary as already noticed above. The mutation of the property in the revenue record is only an administrative function of the revenue authorities. The title of the property is dependant upon the registered sale deed. It is specifically recorded in the sale deed that the plot measuring 2 kanal having 13 *karam* with western arm of the plot abutting the public road has been sold to the plaintiffs. In such circumstances, a wrong entry in the revenue record would not confer any right on the defendants. The defendants are also not entitled to claim the rule of estoppel. Merely because the plaintiffs are reflecting to be present at the time of sanctioning mutation would not entitle the defendants to assert that the plaintiffs are estopped. There is no evidence that the defendants have changed their possession on account of any representation by the plaintiffs.

6. While admitting the appeal, the following questions were framed by the Court:-

i) Whether the lower appellate court did not err in failing to note that the declaratory action was really an attempt to defeat the mutation already effected in the year 1987 treating the property in Khasra No.22/1 as a common passage and the property could not have been permitted to exclusive use by the plaintiffs?
ii) Whether the suit claim is not barred by limitation as purporting to nullify the mutation made in the year 1987 through a suit instituted 16 years after the said period?"

7. By now, it is well settled that an entry of mutation neither results in transfer of the property nor give rise to any cause of action. The plaintiffs became the owner of the specified plot measuring 2 kanals pursuant to a registered sale deed executed by late Sh. Dula Ram.

8. The revenue authorities are required to update the revenue record in accordance with the rights created under the sale deed. The revenue authorities have no right to tinker with the same.

9. As regards the question No.2, it may be noted that entry of mutation in the revenue record does not give rise to any cause of action and hence, the suit filed by the plaintiffs cannot be said to be barred by the limitation.

10. The learned counsel representing the appellant apprehend that the plaintiffs will take the possession of area in excess of the plot transferred to them. If, that be so, the appellants can always file a suit.

11. Hence, no ground to interfere is made out.

12. Dismissed.

13. All the pending miscellaneous applications, if any, are also disposed of.

August 09th, 2022

**(ANIL KSHETARPAL)
JUDGE**

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*