

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 2648 of 2023
Reserved on: 05.09.2023
Date of decision: 15.09.2023

PEHAL SINGH AND ORS.

-PETITIONERS

VERSUS

STATE OF HARYANA AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

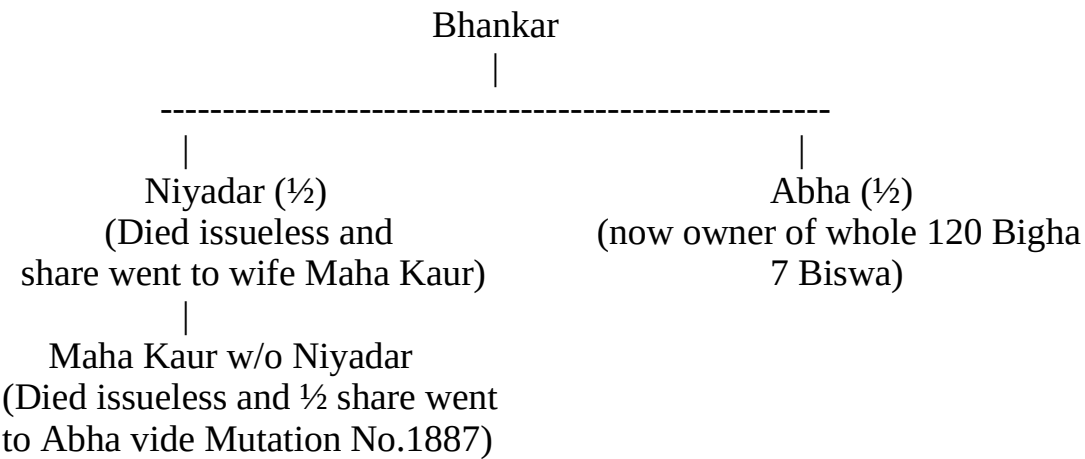
Mr. Sanjiv Gupta, Advocate
for respondents No.6 to 13.

SURESHWAR THAKUR, J.

1. The petitioners seek restoration of the order made by the learned Assistant Collector, IInd Grade, on 25.03.2010, whereby, the attestation of mutation made in favour of one Abha son of Bhankar, thus on the demise of one Maha Kaur, rather became rejected. Moreover, through the instant petition, a challenge is made to the drawings respectively of Annexure P-2, and, of Annexure P-5, drawn respectively by respondent No.3, and, by respondent No.2, whereby, both respondents (supra), proceeding to set aside and annul Annexure P-1, as became drawn by the respondent No.5.

2. Before proceeding to determine the respective validities of the

Annexures (supra), it is deemed imperative to bear in mind the apposite pedigree table, which becomes extracted hereinafter.



3. A perusal of the hereinabove extracted pedigree table reveals, that the original owner of the disputed lands was one Bhankar and on his demise, his estate devolved in equal shares to his two sons, namely, Niyadar and Abha. However, Niyadar died issueless and on his demise, his estate became inherited by his wife Maha Kaur. However, said Maha Kaur died issueless and resultantly, with Abha being the brother of Niyadar, therefore, on demise of Maha Kaur, the estate of Niyadar, as became inherited by Maha Kaur, devolved upon Abha, thus through attestation of mutation bearing No.1887. In sequitur, Abha became the absolute owner of the entire estate of his predecessor-in-interest one Bhankar.

4. Subsequent to the demise of Abha, his estate devolved upon his son Data Ram, thus through attestation of mutation bearing No.1888. Subsequently, on demise of Data Ram, his estate was devolved upon his daughter Bala @ Pyari, thus through attestation of mutation bearing No.1889.

5. It appears that Bala further sold the disputed lands, but, the said deed(s) of conveyance became challenged in Civil Suit No.219/1 of 2003 and latter in Appeal bearing No.15 of 2008. However, both the suit and the appeal

(supra) became dismissed, thus on the ground, that the deed(s) of conveyance, as became executed by Bala, became executed by her in a lawful capacity.

6. Be that as it may, it appears that a police inquiry was conducted with respect to the validity of attestations of mutation(s) (supra), but, the said police inquiry was a sequel of orders becoming passed by this Court, upon, CWP-23258-2010. It appears that the decision (supra) resulted in cancellation of mutation(s) (supra), thus on the ground, that the relationship of the recipients of the orders of mutation(s) (supra), thus with their predecessor(s)-in-interest, rather remaining not cogently verified, nor becoming confirmed.

7. Subsequently it appears that, as mentioned in Annexure P-2, that the verificatory process resulted in a finding by the investigating agency, that the relationship of the recipients of the orders of mutation(s) (supra), thus with the predecessors-in-interest rather becoming cogently established. Resultantly, thereby they held the legal capacity to ensure the recordings of mutation(s) (supra), thus in their respective favours.

8. The learned counsel for the petitioners argues for restoration of the order made by the learned Assistant Collector, IInd Grade, on 25.03.2010. In his making the above submission, he attempts to dislodge the efficacy of the makings of the mutation(s) (supra). Nonetheless, the best evidence to accept his submission could become well founded only upon, the apposite pedigree table becoming tendered into evidence. Moreover, the same was required to exemplify, that the recipients of the orders of mutation(s) (supra) were therein reflected to be not the proven lineal descendants of their respective predecessor(s)-in-interest nor thus they were entitled to seek, on the respective demises, of their respective predecessors-in-interest, rather any

attestation of mutation of inheritance in their respective favour.

9. Since the above evidence is grossly amiss, thereupon, the relief(s) asked for in the instant petition are declined. In aftermath, this Court finds no merit in the writ petition and the same is dismissed. The impugned Annexures are affirmed and maintained.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

15.09.2023
devinder

Whether speaking/reasoned ? Yes/No
Whether reportable ? Yes/No