

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

250

CWP-3583-2022
Date of Decision: 12.09.2023

TEHAL SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

... Respondents

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

Present: Mr. Shehbaz Thind, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The prayer in the present petition is for issuance of direction to respondent No.2 to take appropriate action against the guilty officials of Revenue Department for having entered the sale deeds with respect to the *patti* land.

Learned counsel for the petitioner contends that Jang Singh- father of the petitioner had been missing since 03.08.2011 and that the matter was reported to the police on 22.08.2011. The petitioner tried to trace his father but failed. Eventually, a DDR no.13 dated 02.02.2016 was recorded at Police Station Meharban, Ludhiana. He contends that in the year 2010, the Revenue Authorities had issued directions to the Revenue staff to enter names of the cultivators [as shown in the jamabandi (missal haqiat) for the year 1959-60] as owners in the column of 'ownership' in the jamabandi for the year 2009-10. The necessary changes were accordingly carried out.

The petitioner had filed a civil suit before the Civil Courts, Ludhiana and had also submitted a written representation dated 19.11.2022 to the Tehsildar, Ludhiana (East) for seeking directions to the Halqa Patwari to enter the mutation in the revenue record in the name of the father of the petitioner i.e. Jang Singh son of Shiv Singh qua the total land measuring 77 kanal 7 marla situated at village Sasrali, Hadbast No.62, Tehsil and District Ludhiana as per jamabandi for the year 1959-60. As no action was taken, an application was filed under the RTI Act, 2005 whereupon a report was furnished that Jang Singh had sold his share of land through different sale deeds in the years 1975, 1976, 1977, 1979 and 2003. It has been alleged that the above said sale deed had been executed by playing fraud upon the father of the petitioner, who became owner of the property by virtue of the order passed by the Revenue Authorities in the year 2010 itself. The sale deeds having been executed prior thereto are the outcome of fraud committed on his father.

Reply by way of affidavit of Surabhi Malik, Deputy Commissioner, Ludhiana had been filed, wherein it has been averred that as per the missal haqiat (jamabandi) for the year 1959-60, name of the father of the petitioner was shown alongwith the other persons in the column of 'cultivation' as 'shareholder', whereas in the column of 'ownership' the name of "Shamlat Patti Banjaria, Rulla, Jawar Singh and many others persons were reflected. The said revenue record continued upto the year 2004-05. Eventually, as per Rapat No.133 dated 07.12.2010 entered into the Revenue Record of 2010, the names of the shareholders standing in the column of 'cultivation' were entered in the column of 'ownership' in view of the order dated 29.09.2010 passed by the then Deputy Commissioner, Ludhiana. It is further averred that the major portion of the share held by Jang Singh i.e. father of the petitioner was sold through

different sale deeds from the year 1975 till 2003 and that the Civil Writ petition has been filed on the ground of purported fraud having been played upon his father, which is a disputed question of fact and cannot be examined by this Court. Moreover, the Civil Suit has already been filed by the petitioner and the issues can be determined by the Civil Court after appreciating evidence.

Counsel for the petitioner fairly concedes that the civil suit is pending with respect to the sale deeds allegedly executed by his father in favour of the vendees and submits that he does not wish to press the present petition at this stage so as to raise his all pleas before the Civil Court.

The present petition is accordingly disposed of as not pressed with liberty to the petitioner to raise his all pleas in the pending proceedings before the Civil Court.

SEPTEMBER 12, 2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No