

CWP-7568-2023

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2023:PHHC:052398

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7568-2023

Date of decision : 17.04.2023

Sahiram

... Petitioner

Versus

The Financial Commissioner Revenue and Disaster Management
Department Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Vijay Sharma, Advocate
for the petitioner.

Ms.Upasana Dhawan, AAG, Haryana
for respondents no.1 to 5.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of writ, order or direction in the nature of mandamus directing the respondents to get the online website “WEB.HALRIS” of the Revenue Department corrected or in the alternate allow manual sanctioning of mutation on the basis of order dated 13.05.2022 (Annexure P-1) passed by the Assistant Collector Ist Grade, Ateli in file no.857/partition.

2. Learned counsel for the petitioner has submitted that the petitioner along with the other co-sharers had mutually partitioned their joint land situated in village Rarhiruthal and village Khariwada, Tehsil Ateli, District Mahendergarh and had moved an application under Section 123 of the Haryana Land Revenue Act, 1887 and the said application was

decided by the Assistant Collector Ist Grade and Sanad Taksim was issued vide order dated 18.05.2022 and thereafter the petitioner had applied for sanctioning of mutation on the basis of said Sanad Taksim. It is further submitted that the mutations are entered and sanctioned in the State of Haryana through the website “WEB.HALRIS” of the revenue department and since killa no.8//23 of village Khariwada is being shown in two different khewats and under separate ownership, as such on account of a technical defect in the online entries of the computer in the office of Tehsil Ateli, mutation could not be entered through the said website. It is stated that inspite of repeated representations, the same has not been resolved and the mutation as per the Sanad Taksim dated 18.05.2022 has neither been entered online nor manually. It is further stated that vide letter dated 26.10.2022 , the Director, Land Records, Haryana has written to the Deputy Commissioner, Mahendergarh for taking necessary action on the representation / legal notice dated 16.09.2022 but till date no action has been taken. It is further stated that it is the duty / responsibility of the concerned department of the State Government to maintain the revenue record / web portal for online entries and sanctioning mutation and to remove any technical defect.

3. Learned State counsel appearing for respondents no.1 to 5, on instructions from Rajesh Kumar, Tehsildar, Ateli, District Mahendergarh, has submitted that the Tehsildar has to enter the mutation but as far as the alleged defect in the software is concerned, the same cannot be done at the level of a Tehsildar and any such defect can only be rectified on the orders of the higher officer.

4. Learned counsel for the petitioner has submitted that the

petitioner has given a legal notice dated 16.09.2022 (Annexure P-4) which

has been addressed to the Financial Commissioner as well to the Director, Land Records, Haryana and it is for the said authority to coordinate in order to get the necessary corrections. It is further submitted that the petitioner would be satisfied at this stage in case respondents no.1 and 2 i.e., Financial Commissioner and Director, Land Records, Haryana, are directed to consider the legal notice dated 16.09.2022 and to take appropriate action, in accordance with law, as expeditiously as possible.

5. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondents no.1 and 2 to look into the legal notice dated 16.09.2022 and after considering the contents of the same, to take appropriate action, in accordance with law as expeditiously as possible, preferably within a period of three months from the date of the certified copy of the present order.

6. It is made clear that this Court has not opined on the merits of the case and respondents no.1 and 2 would consider the legal notice independently, in accordance with law.

(VIKAS BAHL)
JUDGE

April 17, 2023
Davinder Kumar

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