

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

123

CWP-21527-2020

Date of Decision: 20.12.2023

Lakhwinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**Present:** Mr. Charanpal Singh Bagri, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Sandeep Singh, Advocate for respondent No. 5.

Mr. Parampreet S. Bajwa and

Ms. Deepali Bajwa, Advocate for respondent No. 6.

RAJESH BHARDWAJ, J. (Oral)

The present petition has been filed for directing the official respondents to sanction the mutation in view of Sanad Takseem prepared and sanctioned on the basis of order dated 01.05.2019 (Annexure P-1) in the partition proceedings and to execute the warrants of possession issued in pursuance to the sanad and to initiate criminal and departmental proceedings against respondent No. 5 for misusing his official post for illegal revenue work and further to quash the order dated 11.07.2019 (Annexure P-9) passed by AC Ist Grade Moonak and to further quash entry/report dated nil entered by patwari whereby he recommended not to sanction the mutation No. 2942 dated 04.07.2019 from the mutation (Annexure P-8) and Rapat/Report No. 15 dated 26.06.2019 from the mutation.

Learned counsel for the petitioner has submitted that the petitioner is aggrieved by the high handedness committed by the Revenue Officer specially the Patwari-respondent No. 5. He submits that even Sanad was issued in this case and the respondent No. 5 on the frivolous application filed by one Shinder Pal Kaur co-sharer rejected the entry of mutation knowing that co-sharer Shinder Pal Kaur had the right to challenge the Sanad by way of filing the revision before the Financial Commissioner.

On issuance of notice of motion, the respondents also put in appearance. This Court had summoned Tehsildar, Moonak and Mr. Parveen Kumar Singla, Assistant Collector Ist Grade-cum-Tehsildar who is present today. The officer present in the Court has submitted that Shinder Pal Kaur after filing the application before the Patwari thereafter filed ROR before the Financial Commissioner and the same is pending adjudication since 2019 before the respondent No. 1-Financial Commissioner . He submits that this ROR is now fixed for hearing on 29.01.2024. He has submitted that the counsel for the petitioner is right that the Sanad has already been issued in this case however the further action regarding entering the mutation could not be carried out because of the pendency of the ROR filed.

After hearing the counsel for the parties and perusing the record, it is apparent that the partition proceedings were finalised on the issuance of the Sanad Takseem i.e. the final instrument of the partition on 01.05.2019 though the conduct of the respondent No. 5 is questionable as at the time of his refusal to enter mutation there was no further ROR after issuance of the Sanad however as the officer present has informed that the ROR is pending since 2019 and because of the same, the mutation could not be entered. The Court is of the opinion that there is no justified reason for

the pendency of the ROR since 2019 till date. Thus, the respondent No. 1-
Financial Commissioner is directed to conclude the proceedings in the ROR
pending before him within one month from the next date i.e 29.01.2024.

Disposed of.

The petitioner would be at liberty to pursue his remedy in case
he has any surviving cause of action.

(RAJESH BHARDWAJ)
JUDGE

20.12.2023
Rajeev (rvs)

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