

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

219

CWP-7634-2018(O&M)

Date of Decision : **January 31, 2023**

PATTI MALIYAN MAUJA PALWAL

.....Petitioner

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

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

Present: Mr. Amar Nath Saini, Advocate for the petitioner.

Mr. P.P.Chahar, DAG, Haryana.

Mr. Vicky Chauhan, Advocate for

Mr. Deepak Balyan, Advocate for respondent No.3.

SURESHWAR THAKUR, J.(ORAL)

1. In the instant petition, the petitioner challenges the order recorded on 9.5.2017, and, as carried in Annexure P-12, whereby the District Collector, Palwal, Haryana without any valid reasons proceeded to attest the mutation, whereby the description of the writ land, was changed to “Abadi Deh Patti Malyan Mauja Palwal” from Abadi Deh Municipal Committee”.

2. The learned counsel appearing for the petitioner argues with vehemence before this Court, that the above alteration in the register of mutations, as pertaining to the writ land(s), is completely fallacious, as the learned Collector concerned, did not become vested with any jurisdictional competence to make such an order, and, or, the said order becomes not well founded upon the earlier thereto entry, as carried in the revenue records.

3. If so, and, when the above passed order, is contended by the counsels appearing for the opposite parties, to be a validly made order, and, resultantly when a heavy dispute has emerged amongst the contesting litigants qua the validity of the said order. Therefore, but necessarily the above dispute cannot be rested in the instant writ proceedings, as this Court cannot, on the contested pleadings, draw any issues nor can proceed to ask for evidence becoming adduced thereon. Imperatively the above can be done only through making a valid motion before the competent jurisdictional authority or under any statutory provisions as now applicable in the area concerned, given extantly the lands concerned, hence falling or merging within the jurisdictional domain of Municipal Corporation, Palwal, and, or through an application, seeking corrections in the revenue entries rather being preferred under relevant statutory provisions, before the competent Revenue Officer concerned. Therefore, the instant writ petition is closed but with the preservation of liberty (Supra), to the petitioner, to make an agitation with respect to the purported unlawful drawings of the above order, through his recouring the appropriate mechanism(s) as available under law. On the above remedy becoming recoured, the statutory authority concerned, shall, after giving an opportunity of hearing to all the aggrieved concerned, may pass a speaking order on the relevant motion.

4. Disposed of accordingly.

5. All the pending applications, if any, disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

January 31, 2023

ajay-1

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No