

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

COCp-2802-2023 (O&M)  
Date of decision: 14.09.2023

Kashmir Singh (since deceased) through his LRs  
....Petitioner  
Versus  
Kulwant Singh  
....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Bokolia, Advocate  
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated  
14.07.2023 passed in CWP No.14743 of 2023, vide which the following  
directions were issued:-

*“Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to rectify/correct the revenue record/jamabandis for the years 2013-14 and 2018-19 by changing the name of ownership of land with a further prayer to direct the official respondent No.2 to decide the representation dated 22.11.2022 (Annexure P-1) in accordance with law.*

*Learned counsel for the petitioner submits that the petitioner has filed a representation dated 22.11.2022 (Annexure P-1) before respondent No.2 for the redressal of his grievance but the same has not been yet been decided.*

*Notice of motion.*

*On asking of the Court, Mr. Charanpreet Singh, AAG, Punjab appears and accepts notice on behalf of official respondents No.1 to 5 and 7.*

*In view of the above, the present petition stands disposed of with a direction to respondent No.2-the Deputy Commissioner, Moga District, Moga to look into the representation dated 22.11.2022 (Annexure P-1) and decide*

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*the same in accordance with law within a period of four weeks from today.”*

On the face of it, the said directions could not be issued in view of the provisions of Section 45 of the Punjab Land Revenue Act, which provides an alternative and efficacious remedy to a person to approach the Civil Court as disputed questions of fact are involved and third party rights of person whose name is recorded in record of rights, as per Section 42 of the Act, will also be effected.

Section 45 of the Punjab Land Revenue Act, 1887, reads as under:-

***“45. Suit for declaratory decree by persons, aggrieved by an entry in a record: - If any person considers himself aggrieved as to any right of which he is in the possession by an entry in a record-of-rights or in an annual record, he may institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1877.”***

It appears that provisions of Section 45 of the Punjab Land Revenue Act were not brought to the notice of Writ Court.

In view of the above, counsel for the petitioner seeks permission to withdraw this contempt petition.

Ordered accordingly.

(ARVIND SINGH SANGWAN)  
JUDGE

14.09.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No