

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

CWP No.25386 of 2023

Date of Decision: 14.11.2023

Sohan Singh Garcha

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mohit Jaggi, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Present writ petition has been filed for setting aside the order dated 03.05.2023 (Annexure P-13) vide which revision petition filed by the petitioner has been dismissed and order dated 31.01.2020 passed by the learned Divisional Commissioner, Rupnagar (Annexure P-11), order dated 12.02.2019 passed by the learned Additional Deputy Commissioner (G)-cum-Collector, SAS Nagar, Mohali (Annexure P-9) as well as order dated 19.06.2018 passed by the learned Sub Divisional Magistrate-cum-Assistant Collector 1st Grade, SAS Nagar, Mohali (Annexure P-7) being illegal, untenable and unsustainable in the eyes of law. Further prayer has been made for directing the official respondents No.1 to 4 to enter the mutation of the land comprised in Khewat No.308/279, Khatauni No.319, Khasra Nos.23//24/1 (3-10), 23//25 (8-0), 24//20 (8-0), 24//21 (8-0), 33//1/1 (5-5), Khatauni No.320, Khasra Nos.34//1 (8-0), 34//2 (8-0), Khewat No.310/281, Khatauni No.321, Khasra No.23//21 (8-0), 23//22

(8-0), 23//23 (8-0), 23//24/2 (4-10), 34//3/1 (5-15), Khewat No.311/282, Khatauni No.322, Khasra Nos.33//2 (7-4), 33//9 (4-10), Khewat No 312/282 min Khatauni No.323, Khasra Nos.33//10 (4-7), Khewat No.313/282, Khatauni No.324, Khasra No.33//1/2 (6-15) as per fard Jamabandi for the year 2015-16 situated in village Manakpur Kallar, Tehsil and District SAS Nagar Mohali in favour of the petitioner and operation of order dated 03.05.2023 (Annexure P-13) vide which revision petition filed by the petitioner has been dismissed and order dated 31.01.2020 passed by the learned Divisional Commissioner, Rupnagar (Annexure P-11), order dated 12.02.2019 passed by the learned Additional Deputy Commissioner (G)-cum-Collector, SAS Nagar, Mohali (Annexure P-9) as well as order dated 19.06.2018 passed by the learned Sub Divisional Magistrate-cum-Assistant Collector Ist Grade SAS Nagar, Mohali (Annexure P-7) may kindly be stayed during the pendency of the present writ petition

It has been contended by learned counsel for the petitioner that the petitioner is a *bona fide* purchaser and owner in possession of the land comprised in khasra Nos.23//24/1, 23//25, 24//20, 24//21, 33//1/1, 34//1, 34//2, 23//21, 23//22, 23//23, 23//24/2, 34//3/1, situated in village Manakpur Kallar, Tehsil and District SAS Nagar, Mohali. He submits that originally one Hazara Singh, son of Chhota Singh of village Takoran Khurd was the owner of the land bearing Khasra No.22//21, 22, 23 measuring 24 Kanals situated in the revenue estate of village Manakpur Kalar, Tehsil Kharar, District SAS Nagar, Mohali. He submits that the

petitioner is the successor-in-interest of said Hazara Singh. He submits that the petitioner had purchased the land in question from Dilbagh Singh, Angrej Kaur and Natha Singh etc. He submits that there was a separate civil litigation pending before this Court and RSA No.1364 of 1989 filed by the State of Punjab was dismissed. He submits that against the said judgment dated 13.05.1991, the State of Punjab filed SLP(Civil) No.16138-43 of 1991 against Natha Singh and others. However, the same was also dismissed by the Hon'ble Supreme Court vide order dated 27.03.1997. He has submitted that hence the sanction of mutation in the name of Gram Panchayat is illegal as the petitioner is the *bona fide* purchaser of the land in question. He submits that the entry in the Fard Jamabandi in Column No.12 i.e. special Remarks regarding the order dated 27.10.2014 passed by this Court in **CWP No.8751 of 1993** has no relevancy. He submits that the order dated 27.10.2014 was passed in the case of land of Hazura Singh, which was a seaparate litigation as Hazara Singh and Hazura Singh are two different persons and therefore, entry regarding the said case deserves to be deleted from Column of special remark i.e. Column No.12. He submits that no action has been taken on the application filed by the petitioner for correction of the said revenue record. He submits that when no action was taken on the representation filed, the petitioner filed a Civil Writ Petition, which was disposed of by this Court vide order dated 01.09.2016 but still no action was taken by the Respondents Authorities on the same and then the petitioner filed a Contempt Petition before this Court. However, as the needful was done,

the Contempt petition filed was withdrawn. He submits that the order passed by the Sub Divisional Magistrate-cum-Assistant Collector 1st Grade, SAS Nagar, Mohali dated 19.06.2018 without considering the objections filed by the petitioner is totally unsustainable in the eyes of law. He submits that the petitioner filed an appeal against this order before the Collector. However, the District Collector-cum-Additional Deputy Commissioner, SAS Nagar, Mohali also has fallen in error in not appreciating the submissions made by the petitioner and thus, illegally dismissed the same vide order dated 12.02.2019. He submits that aggrieved the petitioner filed an appeal before the Commissioner, who again by passing a non speaking order, dismissed the same vide his order dated 31.01.2020. He has submitted that the petitioner further assailed the same by way of filing the revision petition before the learned Financial Commissioner but the same was again illegally declined by the learned Financial Commissioner vide impugned order dated 03.05.2023. Learned counsel for the petitioner has submitted that the impugned orders being cryptic and against the law settled, deserve to be set aside by directing respondents No.1 to 4 to enter the mutation of the land as prayed for in favour of the petitioner.

I have heard learned counsel for the petitioner and perused the material on record.

After hearing learned counsel for the petitioner and perusing the record, it is apparent that land in question belongs to the Gram Panchayat which was wrongly declared surplus on the reference moved by

the Commissioner vide his order dated 09.02.1988. The learned Financial Commissioner vide his order dated 27.04.1993 had directed that the whole land i.e. 242 kanals 9 marlas shall revert back to the Gram Panchayat. This order passed by the learned Financial Commissioner was upheld by this Court vide order dated 27.10.2014 passed in **CWP No.8751 of 1994**. This Court vide order dated 06.04.2015 passed in **LPA No.247 of 2015** upheld the order dated 27.10.2014 wherein it was held that the land owned by the Gram Panchayat could not be declared surplus. The order was passed *qua* the whole land i.e. 242 kanals and 9 marlas, which was allotted to Hazura Singh and Hazara Singh. It is apparent from the record that the learned Financial Commissioner has observed that all the issues involved were duly discussed by this Court in **RSA No.1364 of 1989**.

Thus, it is evident that this Court had already upheld the order passed by the Financial Commissioner (Revenue) dated 27.04.1993, hence this Court does not find any infirmity in the impugned order passed as the mutation has been entered in accordance with the order passed by the Financial Commissioner (Revenue) which was upheld by this Court in **LPA No.247 of 2015**.

Resultantly, the present petition being devoid of any merit is hereby dismissed.

14.11.2023

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(RAJESH BHARDWAJ)
JUDGE

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