

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

112

**CWP-27420-2023 (O&M).
Date of Decision: 07.12.2023.**

NARESH KUMAR

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Dr. Surya Parkash, Advocate,
(Through video Conference)
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed for seeking issuance of directions to the respondents to supply the first copy of the complete jamabandi/revenue record of the village Kurana, Hadbast No.54, starting from Khewat No.1, Khasra No.1, Murabba No.1 from the year 1934-35 till 1967-68 and Sijra and Kilabandi of the year 1938-39 and Murabba Bandi of the year 1962-63 as well as Lal Kitab of the year 1907-08 and 1962-63 of the village Kurana, Hadbast No.54.

Learned counsel for the petitioner has vehemently argued that the forefathers of petitioners were residents and proprietors of village Kurana, Hadbast No.54, Tehsil Israna, District Panipat. The petitioner is

also the resident of the said village and is having agricultural land in his name. It is submitted that the mother of the petitioner told him that there was about 70 acres of land that was inherited by Janki Das, Net Ram, Chet Ram @ Chetan, Shiv Lal and Jeet Ram from their father Nanna @ Ram Saran, after the death of Nanna @ Ram Saran in the year 1907. Shiv Lal and Jeet Ram died unmarried in the year 1920 and Net Ram died in the year 1935. He was having only one son namely Maya Ram who went missing in the year 1915. In the revenue record, however, one Rameshwar caste Brahmin Bohra, resident of village Pinana, District Sonapat, is shown to be the son of Net Ram. Similarly, the land of other descendents of Nanna @ Ram Saran is also shown to be in the name of the relations of said Rameshwar. It is averred that the father of the petitioner was the only surviving male member in the family and even he died in the year 1995 when petitioner was just 08 years of age. The names of other persons were wrongly included in the family tree to take away the family with the aid of false revenue record. The petitioner, thus, has now applied for seeking the revenue record pertaining to the said land with the revenue authorities and submitted repeated requests for the same. The request submitted by the petitioner was marked to the Naib Tehsildar, however, a report was made by the Naib Tehsildar that the jamabandi for the year 1962-63 is not available whereas jamabandi for the year 1963-64 is available but the petitioner denied to receive the same.

He contends that the petitioner never refused to collect any record. No jamabandi or sijra was ever supplied to him by the revenue authorities. Otherwise also the first copy of the revenue record is not

maintained by the Naib Tehsildar and he only retains the third copy. He further alleges that, in fact, the third copy of the revenue record has been tempered with in collusion with said Rameshwar. It is contended that the jamabandi of the village was, in fact, prepared in the year 1962-63 and not in the year 1963-64 as reported. It is averred that a co-villager had filed a civil suit wherein he had specifically appended jamabandi for the year 1962-63 qua the said land. Hence, the respondent revenue authorities have themselves misreported the incident about the jamabandi having been prepared in the year 1963-64 whereas copies of the said jamabandi have already been issued to other co-villagers but the same has been declined to the petitioner. He submits that he had submitted an application with the revenue authorities, notwithstanding the same, the documents are not being supplied to him.

Learned counsel for the petitioner was specifically confronted with the fact as to why the petitioner ought not to have applied for the documents not only with the revenue authorities but also under the Right to Information Act, 2005 and that why did he not opt to have pursued his remedies before the hierarchy on the revenue side or pursue the specified remedies under the Right to Information Act, 2005.

Filing of a writ petition, for the above said relief, when there are other efficacious alternative remedies specified for the same relief, would thus be by-passing the alternative remedies available in law. Therefore, I do not find any ground for issuing such a direction to the writ petitioner especially when the petitioner has not exhausted his alternative remedies available to him in accordance with law.

The present petition is, accordingly, disposed of, at this stage, with liberty to the petitioner to pursue his alternative remedies as per law for seeking copies of the revenue record.

December 07, 2023

raj arora

(VINOD S. BHARDWAJ

JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No