

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

CWP-27604-2023

Date of decision : 08.12.2023

Harkirat Singh and others

.....Petitioners

versus

Financial Commissioner Revenue Punjab and others ... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Aman Mittal, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 17.08.2023 (Annexure P-8) passed by respondent No.3 whereby application filed by the petitioners for adjourn the contested mutation case sine die in view of the civil suit No.1315/2023 titled as Harkirat Singh Vs. Beant Kaur which is pending between same parties and injunction has already been granted by the Civil Court Bathinda in that suit was dismissed. Further prayer has been made for quashing of order dated 08.11.2023 (Annexure P-10) whereby application filed by the petitioners to transfer the contested mutation case was dismissed being illegal and arbitrary. Further prayer has been made directing the respondents to transfer the contested mutation case from Sub-Divisional Magistrate-cum-AC 1st Grade, Bathinda to any other competent Court which this Court deems appropriate.

Learned counsel for the petitioners has submitted that petitioners approached this Court impugning the order dated 17.08.2023 whereby the Assistant Collector has rejected his application to adjourn the case sine die to await the decision of the civil suit wherein injunction was granted by the Civil Court. He has submitted that thereafter, the petitioners have moved to the Court of District Collector, Bathinda for transfer of the

case and the learned District Collector, Bathinda vide order dated 12.09.2023 dismissed the transfer application. Aggrieved by the same, petitioners filed revision under Section 11 of the Punjab Land Revenue Act before the Financial Commissioner Revenue Punjab who vide order dated 08.11.2023 declined the same with liberty to the petitioner to challenge the order dated 17.08.2023. He has stated that when the matter was pending before the Civil Court, the Revenue Authorities were required to adjourn the case sine die to await the final outcome of the civil suit which the revenue authorities have failed to do so and as such, the order under challenge are liable to be set aside.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the State. She has stated that the alternate remedy of challenging the order dated 17.08.2023 is available with the petitioners and they have not availed the same and have directly come to this Hon'ble Court.

In view of the abovesaid submission, this Court does not find any fault with the finding given by the Financial Commissioner wherein he allowed the petitioners to avail their alternative remedies of challenging the order dated 17.08.2023. Consequently, the present petition is disposed of with liberty to the petitioners to avail alternative remedy as per law.

(RAJESH BHARDWAJ)
JUDGE

08.12.2023
m. sharma

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