

CWP-168-2024

Date of Decision: 08.01.2024

Gyan Kaur @ Gian Kaur

..... Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Hardeep Singh Dhillon, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for issuance of direction to respondents No.4 and 5 through respondents No.2 and 3 to enter the name of the petitioner in the ownership column of the *Jamabandi* for the years 2013-2014 & 2018-2019 as well as subsequent *Jamabandi* for the year 2023-2024 on the basis of two separate registered sale deeds No.5687 dated 20.09.2011 (Annexure P-1) and No.2127 dated 20.06.2012 (Annexure P-2) as well as mutation No.2031 dated 19.04.2012 (Annexure P-3) & mutation No.2190 dated 14.03.2013 (Annexure P-4) respectively have been sanctioned thereupon in favour of the petitioner qua the particular land as described in the above said registered sale deeds, as respondent No.5, being duty bound under the statutory provisions of Section 34 of the Haryana Land Revenue Act, 1887 (Haryana Amendment Act, 2021) has ignored to enter the name of the petitioner in the ownership column of the above said *Jamabandis* intentionally despite receiving directions from respondents No.2 to 4 on various representations dated 31.12.2021, 31.12.2021/14.07.2022 & 31.08.2023 (Annexures P-5 to P-7) of the petitioners and even after receiving legal notice dated 16.11.2023 (Annexure P-10) vide postal acknowledgments dated 17.11.2023 & 29.11.2023 (Annexure P-12), no action has been taken so far, whereas according to the provisions of Section 158 (2) (v & vi) of the Haryana Land Revenue Act 1887 (Haryana Amendment Act 2021) Jurisdiction of Civil Courts qua framing of a record-of-rights or annual record and correction of any entry in a record of rights annual record or register of mutations has been excluded and as such respondents no 4 and 5 are duty bound to maintain the record-of-rights for the larger public interest to find out as to who are the landowners, tenants or assignee or who are

entitled to receive rent and profit as held by the Hon’ble Division Bench of this Court in the case of Jagjit Singh Versus Divisional Commissioner, Patiala & others 2013 (1) LAR 240 (P&H DB), and therefore, respondents No.4 and 5 are laible to be directed to enter the name of the petitioner in the ownership column.

Further, respondent No.4/Tehslidar, Ambala City may kindly be directed not to register any further sale deed in the name of any third person qua the land purchased by the petitioner as described in the above said registered sale deeds which still has been shown in the name of original owner from whom the petitioner had purchased the same.

Learned counsel for the petitioner has submitted that the petitioner has served a legal notice dated 16.11.2023 (Annexure P-10) upon respondents, however, no action has been taken on the same till date.

Notice of motion to the officials respondents only.

Ms. Upasana Dhawan, Assistant Advocate General, Haryana, accepts notice on behalf of the State.

After hearing learned counsel for the parties, present petition is disposed of with a direction to respondent No.4 i.e. Tehsildar, Ambala City to decide the legal notice dated 16.11.2023 (Annexure P-10) served by the petitioner in accordance with law within a period of four weeks from today.

(RAJESH BHARDWAJ)
JUDGE

08.01.2024
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No