

In the High Court of Punjab and Haryana at Chandigarh

[125]

CWP-3849-2024

Date of Decision: 29.02.2024

DEV KARAN AND OTHERS

..... PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Pankaj Bali, Advocate for the petitioners.

Mr. Maninder Singh, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioners claimed that they are '*khewatdars*' or are '*village proprietors*' over the disputed lands, and, such is contended that they have a *locus standi*, to make a challenge to the purportedly invalid order of mutation, as became entered by the Revenue officials concerned, in sequel to purportedly forged deeds of conveyance, becoming executed in respect of the disputed lands.

2. Therefore, the learned counsel for the petitioners submits, that since there is lack of action takings by the officers/officials concerned, in respect of enquiry (Annexure P-6), made by Shri. B.C. Gupta, Addl. District & Sessions Judge (Retd.)-cum-Inquiry Officer, wherein, in paragraph No.10 thereof, para whereofs, become extracted hereinafter, the Enquiry Officer has ascribed to the delinquent officers/officials concerned, the gross misconduct of theirs ill-performing their official duties.

“10. In view of the above discussion, I hold that all the allegations as contained in the chargesheet are proved against the CO Daulat Ram. I further hold that it was not possible for the Patwari to have entered the same in one day and even the inspection of the intkal by

Indivar-Kanungo on a single day is not possible as has been observed even by the Additional Deputy Commissioner in his report. Though, no allegation has been made against the CO indivar in the Show Cause Notice on this aspect of the matter yet it being a glaring lapse cannot be ignored. I, therefore, hold that the Kanungo did not commit any illegality in attending to his duty on a holiday on 25.12.2017 yet since he compared the mutation in a single day without comparing all the documents and therefore, Indivar-Kanungo is liable for this lapse only and it is for the punishing authority to take this aspect into consideration at the time of deciding the Show Cause Notice issued to the Respondent Kanungo Sh. Indivar.”

3. The learned Senior Deputy Advocate General, Punjab submits that, as a matter of fact, Annexure P-6 is not quashed and set aside, thereupon, the respondent concerned is directed to initiate disciplinary proceedings against the errant officers/officials concerned, qua whom, there is an attribution of delinquency in Annexure P-6. The said initiated disciplinary proceedings, be ensured to be concluded within 06 months from today, but after strict adherence being made to the relevant provisions, as carried in the *Central Civil Services (Conduct) Rules, 1964*. Moreover, it is also open to the respondent concerned to take such further action, as deemed fit and appropriate.

4. Though, in the wake of the above mandamus being made upon the respondent concerned, this Court deem it fit and appropriate to close the instant writ petition, but yet the initiation of departmental proceedings against the delinquent officers/officials concerned, or such other action as deemed fit, rather may not result in the cancellation or annulment of the deeds of conveyance, which became succeeded by a mutation becoming recorded by the Revenue Officials concerned. Therefore, as prayed for, by the learned

counsel for the petitioners, he is permitted to, in respect of the above, avail the Civil Court remedies before the jurisdictionally competent Court.

5. The instant writ petition is disposed of accordingly, along with all pending application(s), if any.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

February 29, 2024
ANJAL

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