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

CWP-755-1995

Date of Decision: 29.07.2024

Roop Chand (deceased) through his LRs

....Petitioner(s)

Versus

The Financial Commissioner, Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Adarsh Jain, Advocate
for the petitioner(s).

Mr. Randhir Singh, Addl. A.G., Haryana.

Mr. Amit Jain, Senior Advocate assisted by
Mr. Chetan Slathia, Advocate
for respondent No.2.

Mr. Aditya Jain, Advocate,
Mr. Rahul Vohra, Advocate and
Mr. Rajat Singla, Advocate
for respondent No.3.

HARSH BUNGER, J. (Oral)

1. The present Writ Petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of certiorari for quashing the order dated 05.07.1994 (Annexure P-4), passed by respondent No.1-Financial Commissioner, Haryana whereby, the Revision Petition filed by respondents No.2 and 3 (Pralhad and Partap) was accepted and the *Khasra Girdawari* entries incorporated in the *Jamabandi* for the year 1988-89 have been ordered to be corrected.



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2. Mr. Aditya Jain, Advocate appears and files *Vakalatnama* on behalf of respondent No.3 in Court today, which is taken on record, subject to all just exceptions.

3. Learned counsel for the parties are *ad idem* that respondents No.2 and 3 have already instituted a suit (Annexure A-1) for declaration and permanent injunction before the Civil Court at Palwal, wherein the following relief has been sought:-

“That the plaintiffs, pray that a decree of declaration to the effect that the plaintiffs are the tenants in cultivating possession of the suit land measuring 44 kanals 2 marlas as mentioned in para no.1 of the plaint and situated in village Ronija's revenue estate and the defendant has no right, title and interest therein, be passed in favour of the plaintiffs and against the defendants with costs. It be also declared that the existing entries with regard to cultivation of the land measuring 22 kanals and 12 marlas as mentioned in para no.4 of the plaint are wrong and liable to be corrected in favour of the plaintiffs according to the previous entries. As a consequential relief a decree for permanent injunction that the defendants be restrained from interfering in possession of the plaintiffs over the suit land, be also passed in favour of plaintiffs against defendant. If during pendency of the suit, the defendant obtain illegal possession of the land in suit or any part thereof, a decree for possession with regard thereto be also passed in favour of the plaintiffs against the defendant with costs. Any other relief which the plaintiffs are entitled to be also granted.”

4. It is not disputed by the parties that vide an order dated 09.08.2000 (Annexure A.2), the said Civil suit was adjourned *sine die* at the

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instance of respondents No.2 and 3 herein on the ground that the present Writ Petition was pending before this Court.

4.1 It is further not disputed by the parties that since the matter pertains to the entries in the revenue record, therefore in terms of Section 45 of the Punjab Land Revenue Act, necessarily the challenge to the revenue entries is required to be made before the competent Civil Court, which already stands filed by respondents No.2 and 3 herein.

5. In view of the aforesaid factual position, since respondents No.2 and 3 have already availed the appropriate remedy by filing a Civil Suit before the competent Civil Court at Palwal, the instant Writ Petition is disposed of with a direction that the Civil Suit No.290 dated 24.03.1993 titled as *Pehlad vs. Roop Chand* shall stand restored before the concerned Competent Court. It is further directed that the said suit be decided in accordance with law.

6. The instant petition stands disposed of, accordingly.

7. All pending application(s), if any, shall also stand closed.

29.07.2024*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No