

131 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-10954-2025

Date of Decision: 14.05.2025

Madan Lal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kamaldeep S.Sidhu, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Mandamus for directing the official respondents to take appropriate steps for finalizing the mutation proceedings regarding inheritance to the Estate of Chawa Ram (grandfather of the petitioner) pertaining to his land situate at Village Dhani Shaffi, Tehsil Abohar, District Fazilka.

2. Briefly, petitioner states that Shri Chawa Ram (grandfather of petitioner) held land in Village Dhani Shaffi, Tehsil Abohar, District Fazilka. Chawa Ram is stated to have two sons, namely Kheru Ram and Veeru Ram and petitioner is the son of Veeru Ram. It is stated that upon demise of Chawa Ram, Mutation No.20472 came to be entered by the revenue authorities, however, no final decision was rendered thereon. It appears that Kheru Ram (uncle of petitioner) got the FIR No.14 dated 13.03.1997, lodged at Police Station Vigilance Bureau, Ferozepur against one Gurnaib Singh, the then Patwari, on the allegations that he had demanded money for

sanctioning the mutation of inheritance regarding the Estate of his father Chawa Ram; and upon a raid being conducted, Gurnaib Singh, along with co-accused, was arrested and the Mutation Register was also recovered from him, which was taken into police possession as case property.

2.1 It appears that Gurnaib Singh, along with co-accused, was acquitted by the Special Judge, Ferozepur vide order dated 08.02.2007, against which, an appeal (CRA-S-1707-SB-2011) has been filed by the State of Punjab, which is stated to be pending before this Court.

2.2 It is stated that since the relevant Mutation Register was the case property and the records thereof have been attached with the aforesaid criminal appeal filed by the State of Punjab, the petitioner's cousin Desraj son of Kheru Ram submitted an application before this Court for release of the original Mutation Register to the concerned authorities, wherein order dated 07.07.2023 was passed, which reads as under:-

“This is an application for release of the original mutation register which was seized by the investigating officer at the time of arrest of accused. Applicant's father complained to the police of demand of gratification by the accused qua the recording of mutation. Due to seizure of the mutation register further implementation of the mutation could not be recorded in the revenue record/jamabandi. Now, father of the applicant i.e. complainant has been expired and due to non-availability of original mutation, inheritance mutation could not be recorded in his name and prayed for the release of the original mutation register. For the reasons mentioned in the application, the same is disposed of with liberty to the applicant to approach the concerned authority for release of mutation register if the same is required by them. In case, any such application is made, the Registry shall hand over the original mutation register to the concerned authority duly authorized by the concerned Deputy Commissioner/SDM

against proper receipt and verification for a period of two months and the concerned authority shall return the same within a stipulated period.”

2.3 It is submitted that the petitioner had submitted various representations before the revenue authorities for sanctioning of mutation pertaining to the Estate of Sh. Chawa Ram, however, no steps have been taken thereupon.

3. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. A perusal of the paper book would reveal that no details as regards the land owned by Sh. Chawa Ram or even the copy of so called Mutation No.20472 are forthcoming before this Court. There is also no evidence/material available on record which may reflect the present situation as regards the land allegedly owned by Sh. Chawa Ram.

6. In my considered view, in the absence of relevant records and also the present day status in respect of the land which is claimed to have been owned by Sh. Chawa Ram; no order can be passed in this writ petition. Resultantly, the instant writ petition fails and the same is accordingly dismissed, however, in case the petitioner is aggrieved against any of the entries reflected in the revenue records, he, if so advised, may avail his remedies in terms of Section 45 of the Punjab Revenue Act.

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

14.05.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No