

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11325-2025 (O/M)

Date of decision : 04.07.2025

Sharanjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Amit Jain, Senior Advocate with
Mr. Anmol Puri, Mr. Parit Aggarwal
Mr. Shirin Mudgil, Advocates
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

Mr. Puneet Bali, Senior Advocate with
Mr. Aakash Sharma, Advocate
for applicant in CM-8377-CWP-2025.

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HARSH BUNGER, J. (ORAL)

CM-8377-CWP-2025

This is an application filed under Order 1 Rule 10 (2) read with Section 151 CPC for impleading applicant (Smt. Parveen Mahil) as respondent No. 4 in the instant writ petition.

For the reasons mentioned in application, same is allowed and applicant (Smt. Parveen Mahil) is permitted to be impleaded as respondent No. 4 for the purpose of pursuing this litigation.

Application is accordingly disposed of.

CWP-11325-2025

1. Prayer in the instant civil writ petition filed under Article 226 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing respondents to enter the judgments

dated 02.05.2011 (Annexure P-1 and Annexure P-2), passed by this Court in the regular second appeals i.e. RSA-351-1988 and RSA-3257-1987, respectively, and also order dated 23.01.2012 (Annexure P-3), passed by the Hon'ble Supreme Court of India in SLP (C) No. 2725 of 2012, in the remarks column of jamabandi/revenue record, in respect to following land :-

- “i. Land measuring 23B-2B-10B Pukhta comprised in Khewat no. 550, Khatauni No. 613, Khasra no. 214, 215, 216, 217, 220, 221, 222, 1007/618/579, 578, 218, 219, 1008/618/218-219, 223, 229, 230 and 231, as per Jamabandi for the year 1978-79, situated at village Taraf Gehlewal, Tehsil and District Ludhiana;*
- ii. Land detailed as under :-*
 - a. Measuring 58B-13B-19B Pukhta, comprised in Khewat no. 550, Khatauni No. 612-613, Khasra nos. 874/354, 352, 1568/365/1, 1569/365/2, 353 min, 357 min, 358 min, 360 min, 361 min, 362 min, 363 min, Khasra no. 214, 215, 216, 217, 220, 221, 222, 1007/618/578-579/218-219, 1008/618/219-218, 223, 229, 230 and 231,*
 - b. 245/405 share of land measuring 1B-0B-5B Pukhta, comprised in Khewat No. 555, Khatuani no. 617/3, Khasra no. 224,*
 - c. 509/6765 share of land measuring 16B-18B-5B Pukhta, comprised in Khewat no. 556, Khatauni no. 618, Khasra no. 1326/501/364,*
 - d. 770/1160 share of land measuring 2B-18B-0B, comprised in Khewat no. 564 to 568, Khatauni no. 627, 628, Khasra no. 213 min, 213 min,*
 - e. Land measuring 9B-11B-7B Pukhta out of land measuring 13B-14B-12B Pukhta being 3827/5492 share comprised in Khewat no. 578, Khatauni no. 642, Khasra no. 846/354,*

f. 847/1247 share out of land measuring 3B-3B-7B Pukhta, comprised in Khewat no. 689, Khatauni no. 788 and Khasra no. 359,

As per Jamabandi for the year 1978-1979, situated at village Taraf Gehlweal, Tehsil and District Ludhiana.”

2. Briefly, petitioner is wife of Shri Mandeepak Singh. Mandeepak Singh is stated to have died at young age and after his demise, there was a litigation regarding his property, which included two suits, titled as '*Sharanjit Kaur Versus Amarjit Singh*' and '*Amarjit Singh Versus Manjit Kaur and Sharanjit Kaur*'.

2.1 It is stated that upon decision of the aforesaid suits by the trial Court, the matter came up before this Court by way of two separate regular second appeals, namely, (i) RSA-3257-1987, titled as '*Sharanjit Kaur Versus Amarjit Singh*' and (ii) RSA-351-1988, titled as '*Amarjit Singh Versus Manjit Kaur and Sharanjit Kaur*'.

2.2 It appears that the aforesaid regular second appeals came to be decided, vide judgments dated 02.05.2011 (Annexure P-1 and Annexure P-2, respectively). In RSA-351-1988, filed by Amarjit Singh, the challenge was made to judgment and decree dated 14.11.1987, passed by learned Additional District Judge, Ludhiana, whereby the learned Additional District Judge, Ludhiana, had partly modified the judgment and decree dated 06.02.1987, passed by the trial Court to the extent of joint possession of the suit property in favour of Amarjit Singh and against Manjit Kaur. This Court, vide judgment dated 02.05.2011 (Annexure P-1), dismissed the regular second appeal (RSA-351-1988), filed by Amarjit Singh, by affirming the findings returned by first appellate Court.

2.3 On the other hand, RSA-3257-1987 was preferred by Sharanjit Kaur against judgment and decree dated 14.10.1987, passed by learned Additional District Judge, Ludhiana, whereby the appeal preferred by Sharanjit Kaur against trial Court's judgment and decree 17.11.1984, dismissing her suit; was dismissed. This Court, vide judgment dated 02.05.2011 (Annexure P-2), allowed the regular second appeal (RSA-3257-1987), filed by Sharanjit Kaur, thereby setting aside judgment and decree dated 17.11.1984, passed by the trial Court and also judgment and decree dated 14.10.1987, passed by first appellate Court and allowed the suit filed by Sharanjit Kaur as regards possession of land measuring 23 bighas 2 biswas 10 biswasi, as described in the plaint.

2.4 It appears that judgment dated 02.05.2011 (Annexure P-2), passed by this Court in RSA-3257-1987, came to be challenged by Amarjit Singh through his legal heirs before the Hon'ble Supreme Court of India by filing Special Leave to Appeal (C) No. 528 of 2012. Another appeal [SLP (C) No. 2725 of 2012] appears to have been filed against judgment dated 02.05.2011 (Annexure P-1), passed by this Court in RSA-351-1988. In both the aforesaid special leave petitions, the Hon'ble Supreme Court of India, vide order dated 23.01.2012 (Annexure P-3), issued notice and further directed that during the pendency of the special leave petitions, the proceedings for execution of the decree shall remain stayed.

2.5 The petitioner is stated to have submitted two representations dated 28.02.2024 (Annexure P-4) before concerned Tehsildar for entering the orders dated 02.05.2011 (Annexure P-1 and Annexure P-2), passed by this Court in RSA-351-1988 and RSA-3257-1987, respectively, and also

order dated 23.01.2012 (Annexure P-3), passed by the Hon'ble Supreme Court of India, in the jamabandi/revenue record. The contents of one such application dated 28.02.2024 (Annexure P-4) read as under :-

“Dear Sir,

The applicant respectfully submits as under :-

1. *That regarding the above said land it is submitted that an RSA No. 351 of 1988 titled as “Amarjit Singh Vs. Manjeet Kaur and Sharanjit Kaur” was decided by the Hon'ble High Court vide order dated 02.05.2011 and it was held that the said land was the joint Hindu Family Coparcenary Property in the hands of Amarjit Singh and his son Mandeepak Singh, in which Sharanjit Kaur has a share being Class-I Heir of Mandeepak Singh. Copy of the said judgment dated 02.05.2011 is attached herewith.*

Against the said order Amarjit Singh has filed an appeal and the Hon'ble Supreme Court vide order dated 23.01.2012 stayed the proceedings of the execution of the decree. The said order of the Hon'ble Supreme Court is also attached herewith.

It is therefore, prayed that both the orders of the Hon'ble High Court and Hon'ble Supreme Court, may kindly be entered in the Jamabandi to prevent the creation of third party rights and to avoid any unnecessary complications.”

2.6 It transpires that subsequently, petitioner has also got served a legal notice dated 30.10.2024 (Annexure P-8) upon State authorities, calling upon it to enter judgments dated 02.05.2011 (Annexure P-1 and Annexure P-2), passed by this Court in the aforesaid two regular second appeals i.e. RSA-351-1988 and RSA-3257-1987 and also order dated 23.01.2012 (Annexure P-3), passed by the Hon'ble Supreme Court

of India, in the jamabandi/revenue record against the specific khewats and khasra numbers.

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

4. Heard.

5. Apparently, the Hon'ble Supreme Court of India is seized of the matter inasmuch as that the judgments dated 02.05.2011 (Annexure P-1 and Annexure P-2), passed by this Court in the regular second appeal i.e. RSA-351-1988 and RSA-3257-1987, respectively, have been challenged in SLP (C) No. 2725-2012 and Special Leave to Appeal (C) No. 528 of 2012, wherein, vide order dated 23.01.2012, execution of the decrees dated 02.05.2011 (Annexure P-1 and Annexure P-2), passed by this Court in the aforesaid regular second appeals, have been ordered to be stayed during the pendency of the special leave petitions. Further, the order was passed by the Hon'ble Supreme Court on dated 23.01.2012 (Annexure P-3) i.e. almost 13 years ago.

6. Having considered that matter, I am of the considered view that in case, petitioner is apprehending any sale of property in question by any of the parties, then the proper course for her is to approach the Hon'ble Supreme Court of India by moving necessary application for an appropriate relief in the pending special leave petitions. I am also of the view that entertaining this writ petition may also amount to overreaching the jurisdiction of the Hon'ble Supreme Court of India.

7. Here, it would be gainful to refer to the observations made by the Hon'ble Supreme Court of India in the case of '**Union Territory of Chandigarh and others Versus Shiva Traders, 2021 SCC OnLine SC 3695**', wherein the following observation was made :-

“13. Having considered the rival submissions, the undisputed position which emerges before this Court is that the High Court by its judgment dated 19 February 2020 quashed and set aside the notices which were issued by the department in a batch of matters including the notice dated 1 June 2019 which was issued to the respondent. The order of the High Court has been questioned under Article 136 of the Constitution. Notice has been issued and the judgment of the High Court has been stayed. The impact of the order of stay is a distinct issue but what we are concerned about is judicial propriety and discipline. The respondent took recourse to the pending proceedings before this Court by filing an interlocutory application where two specific reliefs were sought, namely, (i) an order of restraint on the assessing officer from proceeding ahead with the assessment notices; and (ii) alternatively a restraint from proceeding ahead with the assessment notices which were issued in pursuance of the order dated 1 December 2020. Proceedings are pending before the Court. Instead of pursuing the interlocutory application to its logical conclusion, the respondent chose to institute a fresh writ petition before the High Court, which the High Court has entertained and it stayed the notice which was issued in continuation of the earlier notice under Section 29(2). Entertaining the petition under Article 226 of overreaches the jurisdiction of this Court. The pendency of the earlier proceedings was evidently brought to the notice of the High Court since it has been referred to in the impugned order.

The High Court should have deferred to the proceedings pending before this court.”

8. In this view of the matter, the instant writ petition fails and the same is accordingly dismissed.

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

04.07.2025
sjks

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