

152 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13044-2025 (O/M)

Date of decision : 08.05.2025

Baba Gurbinder Singh Chela Baba Mangal Singh Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sunil Chadha, Senior Advocate with
Mr. Beant Singh Seemar, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of mandamus for directing respondents No. 1 to 3 to take appropriate legal action against respondents No. 4 to 13, who in connivance with each other and without any order of revenue/judicial courts, have deleted mutation No. 2085 and have changed mutation No. 1563 in favour of respondent No. 12 by entering mutation No. 2399 without any order of the competent authority and that too after 22 years.

2. Briefly, the petitioner claims that land measuring 798 Kanal - 10 Marla was leased out by the Managing Committee Sri Gurdwara Gurusar Satlani Sahib, Hoshiar Nagar, for a period of 99 years in favour of Baba Mangal Singh Chela Baba Jhanda Singh, vide lease

deed dated 28.11.1986 and mutation No. 1563, dated 29.11.1986. It is stated that on demise of Baba Mangal Singh, a mutation No. 2085 regarding his succession was entered in favour of petitioner. It appears that a mutation No. 1293 regarding lease of land measuring 1389 Kanal – 10 Marla sanctioned in favour of predecessor of petitioner, namely, Baba Mangal Singh, was reviewed by learned Collector, Amritsar, vide order dated 26.02.2008 (Annexure P-5) and mutation No. 1293 was rejected and thereafter, a mutation No. 2399 (Annexure P-6) of village Hoshiar Nagar, Tehsil and District Amritsar, was recorded on the basis of aforesaid order dated 26.02.2008 (Annexure P-5). It is the said mutation No. 2399, against which the petitioner is aggrieved.

3. Heard.

4. Apparently, the petitioner is indirectly questioning order dated 26.02.2008 (Annexure P-5).

5. During the course of hearing of the instant civil writ petition, it is not disputed by learned senior counsel appearing for the petitioner that the aforesaid mutation has been further implemented in the revenue records and subsequent jamabandis have also been prepared.

6. In view of the aforesaid conceded position, since the petitioner is aggrieved against entry reflected in the revenue records (mutations/jamabandis), the proper course available to the petitioner is to avail his remedy in terms of Section 45 of Punjab Land Revenue Act, 1887 (in short '1887 Act'), which reads as under :-

“45. Suit for declaratory decree by persons aggrieved by an entry in a record.

- If any person considers himself aggrieved as to any right of which he is in the possession by an entry in a records-of-rights or in an annual record, he may institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1877. ”

7. Keeping in view the above, this writ petition is disposed of by relegating the petitioner to his remedy, if so advised, in terms of Section 45 of 1887 Act, as noticed hereinabove, in accordance with law.

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

(HARSH BUNGER)
JUDGE

08.05.2025
sjks

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