IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222-2 **CWP-19146-2021 (O&M)**
Date of decision: 30.10.2025

Municipal Council, Kharar through its Executive Officer

....Petitioner

Vs.

Financial Commissioner, Revenue, Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Kavita Arora, Advocate
for the petitioner.

Mr. B.S. Bali, Addl. A.G., Punjab.

Mr. Kanwaljit Singh, Senior Advocate assisted by
Mr. Pavit Singh Mattewal, Advocate for
respondent No.2.

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<u>HARSH BUNGER J.</u>

1 Petition herein is, filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for setting aside the order dated 09.04.2021 (Annexure P-1) passed by learned Financial Commissioner (Revenue), Punjab, whereby he has directed the correction of entries in the *Khasra Girdawari.*

2. The operative part of the order dated 09.04.2021 (Annexure P-1), reads as under:-

> *"7. I have perused the arguments of both the parties, report of DRO and its attached annexures, revision petition and related attached documents. It is noted that as per Jamabandi for the year 1955-56,1957-58 and 1961-62 and even of 1972-73 the original owners Naurata etc. have been shown to be in cultivating possession of the land. Similarly, khasra girdawari*

from Sauni-1963 to Sauni-1966 show different khasra numbers to be in possession of the original owners. Right from the beginning, Makbooja Malkan have been shown to be in possession of the land. Entries in the remarks columns show that the khewatdars/shareholders/ persons in possession of the land had been dealing with the said land being its owners. Various mutations qua change of ownership, inheritance etc. had been entered and sanctioned and duly reflected in the 'Remarks' Columns. It is also found that the Nagar Palika never came into actual possession. A stray entry showing respondent No.3 to be in possession is in contradiction of the actual position at the spot as reported by the District Revenue Officer in the presence of both the contesting parties, the village Lambardar and the villagers who are in personal knowledge of the actual position on the ground.

8. Further, the petitioner is entitled to protect his possession in view of the provisions of Section 53-A of the Transfer of Property Act. The recital of the agreements are clear that the possession was delivered to the petitioner by the khewatdars namely Naurata etc. in part performance of the said instrument. There are catena of judgments that incorrect entries in khasra girdawari cannot be used as a device to dispossess a person who is in cultivating possession. At the time of correction of khasra girdawari/entries qua possession in the revenue records, only actual physical cultivating possession of the land is to be seen. It has no reflection of the factum of ownership or title which has to be determined as a separate issue in the appropriate forum.

9. The report of DRO clearly mentions that EO, MC Kharar, also stated that MC, Kharar is not in possession of the land in dispute. Respondent No.3 is also acknowledging the fact that MC, Kharar is not in possession of the land in question in writing in the response filed before this court. Similarly, in the *objections filed by the respondent No.3 on the report of the DRO, it is clearly admitted that the petitioner is in cultivation of the land in dispute. This admission of the respondent No. 3 itself is sufficient to prove that MC, Kharar is not in possession of the land in dispute. Only possession is relevant in determining the Girdawari entry or its correction. In the present case, due notice has been served, both parties are present. Their views and the report of the District Revenue Officer have been received on the record and duly taken into account.*

10. The objection of the respondent No.3 with regard to maintainability of the present revision petition under Section 16 of the Punjab Land Revenue Act, 1887 is not acceptable. Respondent is advised to peruse Section 16 which clears that it confers complete and suo-motu powers on the Financial Commissioner to go into any question of facts or law relating to revenue issue and if any court subordinate to it and pass an appropriate judgment. Thus, Financial Commissioner under Section 16 of the Act ibid has complete powers to revise the proceedings whether decided or pending and to correct any issue it, if found to be a wrong in his opinion.

11. Accordingly, in view of the discussion above, the revision petition is accepted. District Revenue Officer is directed to make the necessary corrections in the entries in the name of the petitioner in revenue records in light of his request."

2.1 A perusal of the above-extracted order would show that, upon perusal of the relevant entries in the cultivation column of the *Jamabandi* for the year 1955-56, 1957-58, 1961-62 and 1972-73 along with Khasra Girdawari entries from *Sauni-1963* to *Sauni-1966;* coupled with spot inspection report submitted by learned District Revenue Officer, it has been concluded by learned Financial Commissioner that the land in question was earlier in possession of the proprietor and thereafter in possession of respondent No.2 – M/s The Panipat Woollen and General Mills Company Limited. It has been further held that petitioner – Municipal Council, Kharar was not in possession of the said land; accordingly, the correction of *Khasra Girdawari* entries had been directed.

3. During the course of hearing of this petition, a specific query was raised to the learned counsel for the petitioner to show from any document/material that petitioner – Municipal Council, Kharar is in cultivating possession of the land in question.

3.1 In response to the aforesaid question, learned counsel for the petitioner has fairly conceded that, there is no document available on record which would indicate the possession of the petitioner – Municipal Council, Kharar on the aforesaid land.

4. In my considered view, although the respondent No.2 should have filed an appropriate application for correction of *Khasra Girdawari* entries before the learned Assistant Collector, at the first instance; however, in the present matter, the petition was directly filed before the learned Financial Commissioner (Revenue), Punjab, who entertained the same and passed the order directing correction of the *Khasra Girdawari* entries after taking into consideration the entries in the revenue records (*Jamabandi/Khasra Girdawari*) and also spot inspection report of the learned District Revenue Officer. Since, entries in the Khasra Girdawari are made in order to reflect the actual physical possession at the site; which in the present case has been substantiated by the report of the learned District Revenue Officer in favour of respondent No.2 – M/s The Panipat Woollen and General Mills Company Limited.

5. Keeping in view the above and considering the aforesaid stand taken by the learned counsel for the petitioner that, there is no document to reflect the possession of petitioner over the land in question, I see no compelling reason which may warrant interference by this Court in the impugned order dated 09.04.2021 (Annexure P-1) passed by learned Financial Commissioner (Revenue), Punjab; accordingly the present writ petition is dismissed; however, leaving it open to the petitioner to avail its other remedies (if so advised) in respect of the land in question, in accordance with law.

6. The present writ petition is disposed of in the aforestated terms.

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

(HARSH BUNGER)
JUDGE

30.10.2025
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No