

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

LPA-1907-2025 (O&M)

Date of Decision: 30th July, 2025

JASWANT SINGH AND OTHERS

.....Appellant(s)

V/s.

FINANCIAL COMMISSIONER (APPEAL), PUNJAB AND OTHERS

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present Mr. Kushagra Mahajan, Advocate for the appellant.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Appeal is by the writ petitioners, who are aggrieved by dismissal of their Writ Petition i.e. CWP-5418-2025 dated 19.12.2017.

2. The revenue authorities have refused to record name of the appellants after noticing the fact that the original person, through whom appellants-vendor claim right, had already sold his share and was not left with any land which could be transferred. Such facts have been noticed by the learned Single Judge in para 6.1 of the impugned judgment, which is reproduced as under:-

“6.1 Learned Assistant Collector Ist Grade while taking up the mutation cases, came to the conclusion that one Jaswant Singh was the owner of the total area of land measuring 36 Kanal and 13 Marla, out of which he sold ¼ share to Tarlochan Singh S/o Sh. Balbir Singh on 20.01.1979 and another ¼ share was sold subsequently to Gurcharan Singh. Still further, another ¼ share was sold by Jaswant Singh on 05.05.1980 in favour of Khurana Coal Agency and the balance ¼ share was sold on 23.11.1979 in favour of one Narinder Singh. It was observed that at the spot there is a road and the sale deeds in question do not clarify that the area purchased by the petitioners is not owned by respondent No.5-Gurcharan Singh. In these circumstances, mutations have been rejected by learned Assistant Collector Ist Grade, Amritsar vide order dated 24.01.2022 (Annexure P-5).”

3. It has also been observed by the learned Single Judge that the civil dispute is otherwise pending. Para 6.4 of the impugned judgement, containing such recital is also reproduced as under:-

“6.4 It is not in dispute that civil suit (Annexure P4) is already pending consideration before Civil Court, wherein sale in favour of the petitioners in respect of land comprised in Khasra No.43/8/1 is being disputed.”

4. Various factual issues sought to be raised by the appellants cannot be examined in summary proceedings of mutation. This is particularly so, as civil suit between the parties is already pending. In the facts of the case, remedy of the appellants would be to seek appropriate declaration from the competent Civil Court. It is otherwise admitted position in law that any order passed in summary proceedings of mutation remain subservient to a declaration granted by the competent Civil Court.

5. In such view of the matter, we decline to interfere in the present Appeal and the same is accordingly **dismissed** and consigned to records.

6. All pending applications in this case are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[KULDEEP TIWARI]
JUDGE

July 30, 2025
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>