

2025:PHHC:084802



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

CWP-19242-2025 (O&M)

Date of decision : 14.07.2025

SARABJIT KAUR

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rajinder Sharma, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, for issuance of a writ in the nature of *mandamus* for directing the respondents to take action on the legal notice dated 09.11.2024 (Annexure P-2), for sanctioning mutation on the basis of order dated 08.12.2022 (Annexure P-1) passed by the learned Deputy Commissioner-cum-Collector, Amritsar.

2. Briefly, petitioner claims to have purchased some land vide sale deed dated 06.12.2017; whereupon, a mutation No.1833 of Village Daoke, Tehsil Attari, District Amritsar was entered by the concerned patwari; however, the said mutation was opposed by one Sh. Amrik Singh son of Buta Singh. Accordingly, the afore-said mutation was declared as contested and placed before the Sub-Divisional Magistrate, Amritsar-2 for

decision, who vide its order dated 08.01.2020, rejected the mutation No.1833.

2.1 The petitioner is stated to have filed an appeal against the afore-said order dated 08.01.2020 before the learned Collector, Amritsar, who decided the same vide order dated 08.12.2022 (Annexure P-1) by observing as under :-

“Keeping in view of the above, the appeal of the appellant is accepted and order dated 8.1.2020 of the Sub Divisional Magistrate-cum Assistant Collector 1st Grade, Amritsar is rejected. On the basis of sale deed dated 06.12.2017 the mutation No. 1833 is allowed in favour of appellant (Sarabjit Kaur) but reflection in record shall only be as per ownership in share and not specific khasra numbers. Additionally, the undersigned has taken suo moto Cognizance under section 36 read with section 37 of the Punjab Land Revenue Act, 1887 regarding the mutation no. 1766 concerning sale deed dated 23.01.2015 since the Contempt petition filed to challenge the violation of the status quo order dated 23.12.2014 has already been decided by the Hon’ble Civil Court vide orders dated 14.12.2018 in which a finding of fact has also been made that the said sale deed of 04 Kanal land was executed by Virsa Singh out of all khasra numbers to the extent of 80/2214 share and there is no alienation of any specific khasra numbers in the above said sale deed. Also, the same fact was also established in the order dated 18.04.2018 of the Additional Commissioner (Appeals) Jalandhar Division. Therefore, it is ordered that the Mutation no. 1766 is approved and the record should be updated to reflect the transfer of land as per share to the extent of 4 Kanals as per the sale deed dated 23.02.2015. The actual possession of any specific khasra numbers however shall be subject to the outcome of decision in Civil suit no. 24.10.2021. Copy of this order be sent to the Sub Divisional Magistrate, Amritsar-2, Tehsildar Amritsar-2 and concerned Patwari halqa for

information, necessary action and compliance. File be consigned in record room. Announced in open court.”

2.2 It appears that the petitioner got served a legal notice dated 09.11.2024 (Annexure P-2) upon the respondents, which according to the petitioner has not been acted upon nor the order dated 08.12.2022 (Annexure P-1) has been complied with.

2.3 In the afore-mentioned circumstances, the present writ petition has been filed before this Court.

3. Heard.

4. At the outset, it is required to be noticed herein that the petitioner has neither placed on record the sale deed dated 06.12.2017, vide which, she claims to have purchased the land nor any revenue record relating to the land purchased by the petitioner has been attached with the writ petition. Even during the course of the hearing, learned counsel for the petitioner has not shown the afore-said documents.

4.1 Be that as it may, the attention of the counsel for the petitioner has been drawn towards the objections raised on behalf of Sh. Amrik Singh, which stands recorded in the order dated 08.12.2022 (Annexure P-1), which *inter alia* states that Amrik Singh had purchased land from Sh. Virsa Singh son of Sh. Tarlok Singh, to the extent of 04 kanals (being 80/2244 share of land measuring 112 kanals-4 marlas) vide sale deed dated 23.02.2015; however, subsequently a Civil Suit regarding the said sale deed dated 23.02.2015 was instituted by brothers of said Virsa Singh namely, Sh. Suba Singh and Karaj Singh; wherein, an *ex-parte* stay order has also been granted. It has also come on record that on the basis of sale deed dated 23.02.2015, the concerned patwari had entered mutation in favour of Sh. Amrik Singh; however, the same was objected to by Sh. Suba Singh and

Sh. Virsa Singh; accordingly, the same was also declared contested and placed before the Sub-Divisional Magistrate, Amritsar-2, who vide order dated 29.04.2015 rejected the mutation. Said Amrik Singh apparently filed an appeal before the learned Collector, Amritsar, which was also dismissed vide order dated 21.06.2016; however, on a further revision being filed before the learned Commissioner, Jalandhar, a *status quo* order dated 05.09.2016 had been passed and subsequently, vide order dated 18.04.2018, the matter was remanded to the Sub-Divisional Magistrate, for afresh decision.

4.2 It appears that the petitioner Sarabjit Kaur, is none other but the niece of Virsa Singh, Suba Singh and Karaj Singh and she got a sale deed dated 06.12.2017 in her favour executed from Virsa Singh.

4.3 It has also come on record that Amrik Singh had also filed a Civil Suit for declaration and permanent injunction before the Civil Court; wherein, a *status quo* order is stated to have been issued on 23.08.2021 and the suit is stated to be pending before the learned Civil Judge (Jr. Divn.), Amritsar.

4.4 It is the case of Amrik Singh that Virsa Singh had sold land in question to him vide sale deed dated 23.02.2015, which is much prior to the sale deed of the petitioner-Sarabjit Kaur, which was executed on 06.12.2017.

4.5 Apparently, Amrik Singh had not been impleaded as a party to the writ petition. Even the complaints referred above, especially the suit filed by Amrik Singh, had also not been attached with the writ petition nor shown to this Court during the course of the hearing. Learned counsel for the petitioner has also not informed as to what was the extent of land holding of Sh. Virsa Singh, who had sold land to Amrik Singh and thereafter, to the

petitioner so as to see as to whether the sale of land by Virsa Singh, in favour of petitioner-Sarabjit Kaur, was not beyond his share in the joint land. It has also not been informed to the Court that the order dated 08.12.2022 has attained finality.

5. Considering the above, I am of the view that in the absence of the relevant documents as noticed above and also the incomplete facts, the prayer of the petitioner for directing the respondent authorities to decide the legal notice (Annexure P-2) cannot be appreciated.

5.1 It appears that the petitioner has filed the instant writ petition with some oblique motive and that too, without impleading said Amrik Singh as a party respondent.

6. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed; however, leaving it open to the petitioner to pursue the matter before the Civil Court.

7. All pending applications (if any) shall also stand closed.

July 14, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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