

2025:PHHC:105656



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

**CWP-23560-2025
Date of Decision: 13.08.2025**

Aman Aggarwal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ankit Aggarwal, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside orders dated 16.04.2025 (Annexures P-10 to P-12) passed by the learned Divisional Commissioner, Ambala.

2. Briefly, the petitioner is stated to be the son of Late Sh. Krishan Kumar Aggarwal (expired on 28.06.2019). It is alleged that respondent No.4 – Basanti Aggarwal has prepared a forged and fabricated Will dated 31.03.2015 (Annexure P-1) of Late Sh. Krishan Kumar Aggarwal by claiming herself to be the wife of Sh. Krishan Kumar Aggarwal.

2.1 It transpires that on the basis of the aforesaid alleged Will dated 31.03.2015, respondent No.4 got three separate mutations entered in her

name, i.e. Mutation No.7116 of Village Pipli, Mutation No.4960 of Village Ratgal, and Mutation No.4537 of Village Sirsama, which were sanctioned by the learned Assistant Collector, Ist Grade, Thanesar, vide separate orders dated 20.10.2020 (Annexures P-4 to P-6).

2.2 Being aggrieved against the aforesaid orders dated 20.10.2020 (Annexures P-4 to P-6), the petitioner preferred three separate appeals before the learned Collector, Kurukshetra, which were dismissed vide separate orders dated 26.10.2022 (Annexures P-7 to P-9).

2.3 Still dissatisfied, the petitioner filed three separate appeals before the learned Divisional Commissioner, Ambala, which were also dismissed vide separate orders dated 16.04.2025 (Annexures P-10 to P-12).

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

4. Heard.

5. During the course of hearing, it is not disputed by learned counsel for the petitioner that the alleged Will dated 31.03.2015 (Annexure P-1), as propounded by respondent No.4 – Basanti Aggarwal, has already been challenged by the petitioner by way of a Civil Suit before the learned Civil Judge (Junior Division), Kurukshetra; wherein an order dated 01.08.2019 (Annexure P-3) has been passed under Order 39 Rules 1 and 2 of the Code of Civil Procedure, restraining respondent No.4 from alienating the suit properties mentioned in paragraph No.15 of the said order.

6. Keeping in view the fact that the validity and genuineness of the alleged Will dated 31.03.2015 (Annexure P-1) has already been challenged by the petitioner before the Civil Court, and an order restraining alienation of the properties has been passed therein against respondent No.4 – Basanti

Aggarwal, no further orders are required to be passed in the present proceedings, in view of the well settled law that a mutation entry does not confer or take away title to the suit property.

7. In view of the above, the present writ petition is dismissed with the observation that the parties shall abide by the final outcome of the civil suit filed by the petitioner, wherein the genuineness of the alleged Will dated 31.03.2015 (Annexure P-1) has been challenged.

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

13.08.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No