

2026 PHHC:074953



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

**CWP-14626-2026 (O&M)
Date of Decision: 12.05.2026**

Gurteg Singh

..... Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Lupil Gupta, Advocate,
Mr. Akash Khurda, Advocate and
Mr. Varun Singla, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 02.11.2017 (Annexure P-3) passed by the learned Collector, Budhlada, District Mansa; order dated 10.06.2020 (Annexure P-5) passed by the learned Divisional Commissioner, Faridkot; and order dated 21.11.2025 (Annexure P-7) passed by the learned Financial Commissioner (Appeals), Punjab.

2. The present writ petition arises out of the proceedings pertaining to Mutation No.4774 in respect of Village Boha, which was

entered regarding inheritance to the estate of deceased-Lakhwinder Kaur (wife of the petitioner – Gurtej Singh).

3. Feeling aggrieved therefrom, the petitioner preferred an appeal before the learned Collector, Budhlada, which came to be decided vide order dated 02.11.2017 (Annexure P-3), whereby Mutation No.4774 of Village Boha, which was recorded on the basis of Mutation No.3053 of Village Salempur, was ordered to be recorded in favour of respondent No.5 – Harjit Kaur @ Ranjit Kaur as the owner.

3.1 Being dissatisfied with the aforesaid order (Annexure P-3), the petitioner preferred a revision petition before the learned Divisional Commissioner, Faridkot; however, the same was dismissed vide order dated 10.06.2020 (Annexure P-5).

3.2 Still dissatisfied, the petitioner preferred a further revision petition (ROR No.536 of 2021) before the learned Financial Commissioner (Appeals), Punjab, which was also dismissed vide order dated 21.11.2025 (Annexure P-7).

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

5. In the instant case, Mutation No.4774 of Village Boha has been ordered to be sanctioned in favour of respondent No.5 – Harjit Kaur @ Ranjit Kaur vide order dated 02.11.2017 (Annexure P-3) passed by the learned Collector, Budhlada. The said order has thereafter been affirmed by the learned Divisional Commissioner, Faridkot, vide order dated 10.06.2020 (Annexure P-5); and even the learned Financial Commissioner (Appeals), Punjab, vide its order dated 21.11.2025 (Annexure P-7), has upheld the

aforesaid order (Annexure P-3) by observing as under:-

“6. I have heard the arguments advanced by Ld. Counsels for the parties and have perused the documents available on file. The record shows that the land measuring 40 kanal stood recorded in the name of Lakhvinder Kaur through registered sale deed dated: 07.08.2006. During her lifetime, no dispute existed regarding her ownership in the revenue record. After her death dated: 20.02.2016 inheritance proceedings were initiated. Mutation No.3053 relating to Village Salempur was entered first. On the basis of that mutation, Mutation No.4774 relating to Village Boha-2 was entered. The rejection order dated: 29.04.2016 passed by the Assistant Collector, 2nd Grade was not on the merits. It was passed only because the copy of Mutation No.3053 produced at that time was not attested and not readable. During subsequent proceedings, it was verified whether an attested and readable copy of Mutation No.3053 was available and whether any court had passed any order restraining reliance upon that mutation. No document was found on record to show that Mutation No.3053 was ever stayed, set aside or restrained by any competent court. In absence of any such restraint, the mutation at Village Salempur continued to remain effective for the purpose of revenue record. The purpose of mutation proceedings is only to update the revenue record. Such proceedings do not decide title ownership or disputed family relationship. Questions relating to adoption source of consideration or status of relationship require detailed examination and can only be decided by a civil court. Revenue authorities are not empowered to conduct such an inquiry. Therefore, the authorities below rightly refrained from recording any finding on the disputed relationship between the parties. It is also found that documentary document such as ration card rapat No.44 dated: 14.03.2026 and record relating to pension under the Ladli Scheme was produced before the revenue authorities.

The documents were considered sufficient for the limited purpose of mutation. A duly attested copy of the rapat recorded at the instance of the petitioner along with the Numberdar is available on the file. In that rapat, Harjit Kaur is shown as daughter. If the petitioner disputed the correctness of that declaration, then the proper remedy was to challenge Mutation No.3053 before the competent forum. No such challenge was made at the relevant time. The mutation at Village Salempur, therefore, continued to hold the field and provided the basis for subsequent mutation. It is further found that challenge raised only to Mutation No.4774 of Village Boha-2 cannot be examined in isolation when the earlier mutation forming its basis remained unchallenged. Acceptance of the earlier mutation is evident from the record. Revenue authorities were bound to proceed on the basis of existing entries. The finding recorded by the authorities below that the inheritance stood prima facie proved in favour of the respondent is therefore supported by record. It is also found that the land was subsequently transferred through registered sale deed dated: 07.03.2019. On that date the land stood recorded in the name of the vendor in the revenue record. No restraint order was operating against the land and Mutations No.5523 and 5524 were thereafter sanctioned. Any dispute relating to ownership, inheritance or relationship remains open to be examined by a civil court. As such, in view of the above findings, no ground for interference is made out.

7. Resultantly, the revision petition is dismissed. The order date: 10.06.2020 passed by Commissioner, Faridkot Division, Faridkot, order dated: 02.11.2017 passed by Collector, Budhlada are hereby upheld. Copy of this order be communicated to the court below. After compliance file be consigned to the record room.”

6. The petitioner has filed the instant writ petition before this Court, challenging the aforesaid Mutation No.4774 of Village Boha

primarily on the plea that the petitioner has no concern with respondent No.5 – Harjit Kaur @ Ranjit Kaur, who is claiming herself to be the daughter of the present petitioner.

7. During the course of hearing, learned counsel for the petitioner has handed over in Court a copy of the order dated 11.03.2024 passed by the learned Civil Judge (Junior Division), Budhlada, which is taken on record, subject to all just exceptions.

7.1 By referring to the aforesaid order dated 11.03.2024, learned counsel for the petitioner submits that with regard to Mutation No.4774, the petitioner has already approached the Civil Court by filing a Suit for Declaration, wherein vide the aforesaid order dated 11.03.2024, the defendants in the Suit (including respondent No.5 herein) have been restrained from alienating the suit property.

7.2 According to learned counsel for the petitioner, the said interim stay is still operative.

8. I have heard learned counsel for the parties and perused the paper book with their able assistance.

9. Keeping in view the aforesaid facts and circumstances, I am of the considered view that since the petitioner has already approached the learned Civil Court for adjudication of his claim regarding title and also with respect to Mutation No.4774, and the present proceedings arise out of the mutation proceedings which, as per settled law, neither confer nor take away title to the property; accordingly, no compelling circumstances are made out which may warrant interference by this Court in the present proceedings, particularly when the learned Civil Court has already restrained the defendants in the Suit (including respondent No.5 – Harjit Kaur @ Ranjit

Kaur) from alienating the property in question.

9.1 I am further of the view that the competent Court to adjudicate upon the disputed questions of fact involved in a matter, is the Civil Court, where the parties are already contesting their respective claims. Accordingly, the parties to the present writ petition shall remain bound by the final outcome of the Civil Suit pending before the learned Civil Court.

9.2 However, in order to secure the interest of any prospective vendee(s), it is directed that the concerned revenue authorities shall make an appropriate entry in the 'Remarks Column' of the current *Jamabandi* indicating the pendency of the civil proceedings concerning the land in question and also the particulars of civil suit/stay order. The petitioner shall furnish the particulars of pending civil suit/stay order to the concerned revenue officer.

10. The present writ petition is, accordingly, disposed of with the aforesaid observations.

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

12.05.2026

Apurva

(HARSH BUNGER)

JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No