



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

142

CWP-16795-2026 (O&M)
Date of decision: 26.05.2026

Ram Chander and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. D. V. Dhindsa, Advocate, for the petitioners.

HARSH BUNGER J. (ORAL)

Prayer in the instant writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari for setting aside the order dated 24.12.2021 (Annexure P-4) passed by the learned Assistant Collector 1st Grade, Ambala, in relation to Mutation No. 13469 pertaining to inheritance to the estate of late Shri Gurdiyal Singh of village Jandli, Tehsil and District Ambala; whereby the mutation proceedings have been ordered to be adjourned *sine die* till the decision of the civil Court in respect of a registered will dated 25.01.2005 (Annexure P-1) propounded by the sons of the deceased, namely, Shri Ashok Kumar, Shri Ram Pal and legal heirs of Shri Kehar Singh (deceased son of Shri Gurdiyal Singh).

1.1 A further prayer has been made for setting aside the order dated 29.05.2024 (Annexure P-6) passed by the learned Divisional Commissioner,



Ambala Division, Ambala; whereby an appeal preferred by the petitioners was dismissed.

2. Briefly, the present petition arises out of Mutation No.13469 of village Jandli, Tehsil and District Ambala, which came to be entered by the concerned revenue officials upon demise of Shri Gurdiyal Singh, who expired on 08.06.2015. Shri Gurdiyal Singh is having three sons, namely, Kehar Singh (since deceased), Ram Pal, Ashok Kumar and one daughter Smt. Kamlesh Kaur.

2.1 In the mutation proceedings, one registered will dated 25.01.2005 (Annexure P-1) was propounded by the sons of Shri Gurdiyal Singh. Simultaneously, one of the sons, namely, Ram Pal, filed a civil suit before the learned Civil Judge (Senior Division), Ambala, seeking declaration to the effect that he is owner in joint possession of the property situated in village Jandli, Tehsil and District Ambala, with a further declaration that the registered will dated 25.01.2005 (Annexure P-1) allegedly executed by late Shri Gurdiyal Singh, is illegal, null and void and not binding on the rights of ownership. The aforesaid civil suit is stated to be pending as on date.

2.2 On the other hand, so far as the mutation proceedings are concerned, the learned Assistant Collector 1st Grade, Ambala, vide order dated 24.12.2021 (Annexure P-4), arrived at a conclusion that since the matter is already pending before the civil Court, therefore, Mutation No. 13469 is required to be adjourned *sine die* to await the decision of the civil Court in respect of the will in question.

3. Feeling aggrieved against the aforesaid order dated 24.12.2021 (Annexure P-4), respondent No.5 (Ashok Kumar) preferred an appeal before



the learned Divisional Commissioner, Ambala Division, Ambala, however, the same was dismissed vide order dated 29.05.2024 (Annexure P-6).

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

5. At the outset, it is required to be noticed that the present petitioners did not raise any challenge to order dated 24.12.2021 (Annexure P-4) passed by the learned Assistant Collector 1st Grade, whereby the mutation proceedings were ordered to be adjourned *sine die*; by filing any appeal/revision before higher authority.

6. Be that as it may, the only submission made by learned counsel for the petitioners before this Court is that the revenue authorities have wrongly adjourned the mutation proceedings *sine die*, which is contrary to the well established position that the mutation proceedings cannot be kept in abeyance.

7. I have heard learned counsel for the petitioners and perused the paper-book with his able assistance.

8. As regards the contention raised by learned counsel for the petitioners that the mutation proceedings cannot be kept in abeyance, suffice it to say that recently the Hon'ble Supreme Court in case of ***“Shrichand Rajaram Kukreja vs. The State of Maharashtra & Ors.”***, ***Civil Appeal No(s). 3148-50 of 2024 (decided on 26.02.2024)***, has categorically held that wherever the title over a property is disputed and the cases are pending before the civil Court, in those cases the mutation entries in the revenue records must remain in abeyance until the time title is finally adjudicated by the competent civil Court.



8.1 Similar view has been taken in case of *“Lipika Dutta and others vs. State of West Bengal and others”*, Civil Appeal No. 3372 of 2026 (decided on 13.03.2026).

9. Keeping in view the aforesaid authoritative judicial pronouncements by the Hon’ble Supreme Court, I find no merit in the plea raised by learned counsel for the petitioners that the mutation proceedings cannot be kept in abeyance. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

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

26.05.2026

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(HARSH BUNGER)
JUDGE

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