

(2008) 08 P&H CK 0032

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Sukhdev Singh and Others

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision: Aug. 8, 2008

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2008) 152 PLR 89 : (2009) 1 RCR(Civil) 352

Hon'ble Judges: Satish Kumar Mittal, J; Daya Chaudhary, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Satish Kumar Mittal, J.

The petitioners have filed this petition under Article 226 of the Constitution of India seeking quashing of the order dated 18. 3.1998 (Annexure P-1) passed by the Assistant Collector, 1st Grade, Ludhiana whereby the prayer made by the petitioners for sanctioning the mutation on the basis of the exchange of lands by an agreement dated 16.3.1990 (Annexure P-2) has been rejected, on the ground that one of the parties to the agreement denied the said exchange and delivery of possession. This order of the Assistant Collector 1st Grade has been upheld by the Collector, Ludhiana, Divisional Commissioner, Patiala and the Financial Commissioner (Appeals) Punjab vide order dated 11.8.1998 (Annexure P-5) 31.3.2004 (Annexure P-6) and 10.1.2006 (Annexure P-8) respectively.

2. After hearing counsel for the petitioners, we do not find any illegality in the impugned orders. The Halqa Patwari entered the mutation of exchange on the basis of agreement of exchange dated 16.3.1990 and presented the same before the Circle Revenue Officer for its confirmation. When, the said mutation was presented before the Circle Revenue Officer respondents No. 6 and 7 objected to the sanction of the mutation. Thereafter, due to the said dispute, the mutation was sent to the

Assistant Collector, Ist Grade, Ludhiana, for deciding the matter. The Assistant Collector, after hearing both the parties, rejected the said mutation on the ground that respondent No. 6 and 7 denied the alleged exchange as well as the transfer of possession. In view of this denial, the Assistant Collector Ist Grade observed that mutation of exchange on the basis of agreement cannot be sanctioned, when both the parties to the agreement are not agreed. He also observed that after 8 years of the alleged agreement, mutation of exchange on the basis of such agreement can not be entered and sanctioned. However, after recording this finding, the Assistant Collector observed that it will be open for the parties to approach the Civil Court.

3. In our opinion, the revenue authorities were fully justified in rejecting the mutation. When the alleged exchange has been denied by the other side, the mutation cannot be sanctioned on the basis of the exchange. In that eventuality, the party who is relying upon the said exchange has to establish its right before the civil court. The Assistant Collector Ist Grade has already observed that the petitioners may approach the Civil Court in this regard.

In view of the above, we do not find any ground to interfere in the impugned orders, in exercise of the writ petition of this Court.

Dismissed.