

(2012) 08 P&H CK 0243

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 15840 of 2012

Nanak Singh

APPELLANT

Vs

The Commissioner, Faridkot
Division, Faridkot and others

RESPONDENT

Date of Decision: Aug. 17, 2012

Hon'ble Judges: Ranjit Singh, J

Bench: Single Bench

Advocate: R.S. Chauhan, for the Appellant;

Final Decision: Dismissed

Judgement

Ranjit Singh, J.

The petitioner along with private respondents entered into a dispute in relation to mutation No.22711, which was sought on the basis of registered Will dated 24.4.2008. Respondent No.4, in the meantime, also filed a civil suit in respect of land measuring 2 kanals 1 marla, which was purchased by him from Gura Singh on 10.4.2008. He has, thus, become a co-sharer. The petitioner stepped into the shoes of Kala Singh, from whom he had purchased land in a civil suit filed by respondent No.4. The mutation on the basis of sale deeds dated 11.4.2008 and 21.4.2008 and another mutation on the basis of sale deed dated 3.4.2008 were entered by the revenue authorities. While the dispute regarding sanction of mutation was pending before the revenue authorities, the parties reached a compromise. They accordingly approached the Assistant Collector Ist Grade to carry out the mutation on the basis of this compromise. As per the counsel for the petitioner, the order passed by the Assistant Collector Ist Grade would show that he has rejected the compromise.

2. I have perused the order and am not prepared to accept the line of reasoning made by the counsel for the petitioner. Assistant Collector Ist Grade rather appears to have accepted this compromise. The compromise is duly noticed and he has finally held that the mutations may be sanctioned except that of Harminder Singh vendee, who has a Will to get the land bearing khasra No.67//7 in the compromise.

It is observed that the said land cannot be transferred without transfer deed. While allowing the plea of the parties, they are relegated to appear before the Assistant Collector 2nd Grade to submit the transfer deed with the Patwari Halqa and thereafter he was to act thereon and on the basis of the compromise. The petitioner filed appeal and revision against this order, but the same has been upheld.

3. The compromise, thus, has not been rejected. The only condition imposed is that the petitioner should produce the transfer deed, so as to finally conclude the mutation case on the basis of said compromise.

4. In view of the above, I do not find any reason to interfere with the view taken by the Assistant Collector and upheld by the other revenue authorities. The writ petition is accordingly dismissed.