

Nanak Singh Vs The Commissioner, Faridkot Division, Faridkot and others

Court: High Court Of Punjab And Haryana At Chandigarh

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 1st 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 1st 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 1st

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.