

(2012) 09 SHI CK 0030
In the High Court Of Himachal Pradesh
Case No : CWP No. 3623 of 2009-H

Bhupinder Kumar Dutt and Others	Vs	APPELLANT
State of Himachal Pradesh		RESPONDENT

Date of Decision : 12-09-2012

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2012) 09 SHI CK 0030

Hon'ble Judges : V.K. Ahuja, J

Bench : Single Bench

Advocate : J.S. Guleria, Assistant Advocate General for respondents 1, 3 and 4, for the Respondent

Judgement

Justice V.K. Ahuja, J.—The petitioner has filed the present writ petition praying for the following reliefs:

- (a) That the writ of mandamus may be issued directing the respondents No. 1 and 3 to incorporate the names of the petitioners as owners and in possession of 18 bighas of land comprised in khewat No. 34 min, khatuni No. 58 min, khasra Nos. 738 to 752 and 770 min (old khasra Nos. 23 to 32) located below Railway Line in mauza Dangyar, Tehsil Kasauli, District Solan, H.P. in the relevant revenue records.
- (b) That the writ of mandamus may be issued directing the respondents No. 1 and 3 to attest and sanction the mutation qua 18 bighas of land, comprised in khewat No. 34 min, khatauni No. 58 min, Khasra Nos. 738 to 752 and 770 min (old khasra Nos. 23 to 32) located below Railway Line in mauza Dangyar, Tehsil Kasauli, District Solan, H.P., in favour of the petitioners and to cancel the mutation No. 210 dated 21.12.90 entered in the name of respondent No. 2.
- (c) That the writ of certiorari may be issued and order/letter dated 04.11.1992 (Annexure P-13) of respondent No. 1 may be quashed and set-aside and may be declared as wrong, illegal, arbitrary, against the provisions of Land Acquisition

Act, 1894 and violative of Article 14 of the Constitution of India.

(d) That the writ of certiorari may be issued and order dated 28.05.05, Annexure P-18, of respondent No. 1 for the rejection of representation dated 25.03.05, Annexure A-17, may be quashed and set-aside by declaring the same as illegal, arbitrary, violative of Article 14 and 21 of the Constitution of India and against the principle of natural justice.

Notice of the petition was issued to the respondents to file reply.

2. I have gone through the record of the case. The prayer made by the petitioners is that the respondents may be directed to incorporate the names of the petitioners as owners, to attest and sanction the mutation and other similar relief. Relief sought by the petitioners can not be granted in the nature of writ of mandamus. It is for the petitioners, to approach the Competent Revenue Officer by filing appropriate application so that the names of the petitioners are incorporated in the revenue record as owners or the prayer in regard to mutation is considered in accordance with law. There are disputed questions of fact which can not be decided in the present writ petition and in the absence of evidence having been led, no direction can be issued to the respondents as sought for by the petitioners. Therefore, there is no merit in the petition filed by the petitioners which stands disposed of accordingly. The petitioners are at liberty to approach the Civil Court for redressal of their grievances. In view of the above, the petition stands disposed of, so also the pending miscellaneous application(s), if any.