**(2019) 11 P&H CK 0177**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Civil Writ Petition No. 27244 Of 2019

Kuldeep Singh And Another APPELLANT

Vs

Financial Commissioner, Punjab, Chandigarh And Others RESPONDENT

**Date of Decision :** 26-11-2019

**Acts Referred:**

**Citation :** (2019) 11 P&H CK 0177

**Hon'ble Judges :** Augustine George Masih, J

**Bench :** Single Bench

**Advocate :** Randeep Singh Rana

**Final Decision :** Disposed Of

## Judgement

1. Challenge in this writ petition is to the orders dated 17.09.2018 (Annexure P-4); 23.07.2014 (Annexure P-3) and 17.04.2012 (Annexure P-2) passed by respondent Nos. 1 to 3 respectively, whereby the mutation, which was initially sanctioned in favour of the petitioners by the Assistant Collector Ist Grade, Amloh, vide order dated 31.05.2011 (Annexure P-1) has been set-aside and the challenge to the said Appellate Court order has been upheld upto the Financial Commissioner.

2. It is the contention of learned counsel for the petitioner that the Will dated 27.06.2009 is a duly executed genuine Will and the evidence, which was produced by the parties, was duly considered by the Assistant Collector Ist Grade while sanctioning the mutation on the basis of said Will, finding it to be genuine vide order dated 31.05.2011 (Annexure P-1). He contends that in a well reasoned order, which has been passed by the competent authority, the Appellate Authority has merely interfered on the basis of certain suspicions, which is not sustainable. He asserts that the orders passed by the Divisional Commissioner, Patiala as well as the Financial Commissioner suffer from bias and rather he states that in case the findings as have been recorded by the revenue authorities are allowed to sustain that would adversely effect the interest of the petitioners

even before the Civil Court. He, therefore, prays that the impugned orders be set-aside and the mutation, which was sanctioned by the Assistant Collector Ist Grade in favour of the petitioners vide order dated 31.05.2011 (Annexure P-1) be restored.

3. I have considered the submissions made by counsel for the petitioners and with his assistance have gone through the records of the case.

4. The revenue authorities have clearly mentioned that the matter requires to be adjudicated upon before the Civil Court. The apprehension of the petitioners that the findings as have been recorded by the revenue authorities would adversely effect their interest before the Civil Court as well is totally misplaced as these observations are merely made for the purpose of decision on sanction of mutation. Any observations/findings, which would have been given by the revenue authorities during the course of decision on the mutation, shall have no bearing upon the claim or contention or assertion of the petitioners with regard to genuineness of the Will or otherwise. In case the petitioners approaches the Civil Court, it would not be influenced by any observation of the revenue authorities and shall proceed to decide the suit in accordance with law as per the pleadings and the evidence available on its record.

5. With the above observations, the writ petition stands disposed of.