(1980) 08 P&H CK 0032

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ No. Petition 2324 of 1970

Ranjit Singh APPELLANT

Vs

The Financial Commissioner Revenue and Others RESPONDENT

Date of Decision : 11-08-1980

Acts Referred:

Citation : (1981) 3 ILR (P&H) 203

Hon'ble Judges : J.V. Gupta, J

Bench : Single Bench

Advocate : Y.P. Gandhi, for the Appellant; Rajiv Kataria, for A.G. for Respondents Nos. 1 to 4 and S.L. Ahluwalia, for the Respondent

Final Decision : Dismissed

Judgement

J.V. Gupta, J.—This writ petition is directed against the order of the Financial Commissioner, dated 5th February, 1970. Annexure ''J'' by virtue of which the learned Financial Commissioner declined to accept the reference made by the Commissioner, Jullundur Division, for setting aside the order of Collector, dated 23rd February, 1968, made in appeal against the order of the Assistant Collector in Mutation No. 80 of Kotli Wasawa Singh, District Amritsar.

2. Briefly stated the facts are that the Petitioner wanted the mutation to be sanctioned in his favour on the basis of registered sale-deed, dated 19th November, 1941 and on the basis of a decree of the Subordinate Judge II Class, Patti, dated 20th April, 1943, declaring the said registered sale-deed to be a valid one. The learned Financial Commissioner, has taken the view that these two documents cannot be given effect to in the revenue record at this stage as there has been a delay of over 20 years in moving the revenue authorities to bring the revenue record in accord with the documents, particulary when the delay could not be explained satisfactorily. It was further observed that if the Petitioner has any claim, he will have to establish the same before a Court of competent jurisdiction.

3. After hearing the learned Counsel for the Petitioner, I do not find any force in this petition. The learned Counsel was unable to show that how this order of the financial Commissioner was without jurisdiction or there was any statutory obligation on Revenue Authorities to sanction the mutation on the basis of these documents after a delay of more than 20 years. Apart from that no writ petition is maintainable on the question of sanctioning the mutation. These matters can be better decided in a regular civil suit and after that the mutation order can be got corrected. If the Petitioner was negligent in not getting the mutation sanctioned in his favour within a reasonable time necessary proceedings for the correction of the revenue record on the basis of the Civil Court decree in his favour can only be taken in a Court of competent jurisdiction. Consequently, this petition fails and is dismissed with costs.