

**Government of Jammu & Kashmir**  
**Office of the Financial Commissioner (Revenue), J&K**

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**Divisional Commissioner,  
Jammu/Kashmir**

No.FC-LS/Misc-288/2020

Dated: 22/10/2020

**Subject: Grant of permission for alienation of the Land recorded as "Gair Mumkin Khad".**

Sir,


On the subject cited above, this office has received a number of communications /requests from Deputy Commissioner's for obtaining permission for alienation of land recorded as 'Gair Mumkin Khad'. In this context, I am directed to convey the following:

1. A copy of the opinion obtained from Sh. S. S. Nanda, Senior Addl. Advocate General vide No.: SSN/SAAG/20/3824 dated:28.07.2020 "*the owners of the land recorded as "Gair Mumkin Khad" could not sell the land, as the nature of land was Gair Mumkin Khad and big Landed Estates Abolition Act. SVT-2007 prohibits such terms transactions. S.20-B of Big Landed Araks, Kaps and lands which are used for rising of fuel and fodder as are unculturable and no documents relating to transfer of such land can be admitted to registration. Section 21 of the Act also provides that transfer of any holding or part thereof in contravention of the provision of the at shall be void. Section 24 of the act further provides that if a proprietor transfer his land in contravention of the provisions of the Act, his right of the ownership in the land held by him shall be extinguished and shall escheat to the government . All the transfer deeds i.e. sale deeds are illegal and void. Mutation attested on such documents are against the provision of para 46 (b) of the standing order 23-A and orders on such mutations are bad an requires to be set aside.*"
2. Nowhere in the SRO 456 dated:25.10.2017 has mentioned that alienation or conversion of lands recorded as 'Water Course' or 'Water Source' is permissible. All the permissions in the name of the policy of the PHE, Irrigation & Flood Control Department vide SRO 456 issued by any authority is in violation of law are invalid *ab initio* as also clarified by Learned Addl. Advocate General in the above referred letter.

*dr*  
*22.10.20*

3. All encroachments on 'Water Courses' & 'Water Sources' should be removed immediately at all costs to enable smooth drainage and desilting purposes. The Deputy Commissioners should submit report in this regard, in 02 weeks time positively.
4. Strict instructions / warnings should be given to the Chowkidars in the Rural areas and Municipal Khalifwarzi staff in Urban areas that strong action could be taken against them for preventing it and failing in their duty to inform the concerned authorities for removal of such encroachments.
5. Patwaries and Revenue Staff should also be warned not to issue Fards of Lands of Water Source like Chhapri, Talab, Springs, Chahs (Wells) etc and the Water Courses like Rivers, Rivulets, Streams, Choi's, Khassi or Kas Nallahs and Khads etc to anyone under any circumstances as it is strictly prohibited under law. And such transactions which have happened in the past are legally invalid *ab initio*. Action under law must be taken against such Patwareis / Revenue functionaries who have issued such Fards in the past, after due enquiry and examination of relevant records. If anyone, is found of having done so in the past 02 years, his/her details should be furnished to the FCR through the respective Divisional Commissioner.
6. All Sub-Registrars and Registrars area also once again enjoined upon to be vigilant and careful that no transaction of such lands is ever admitted for registration within their jurisdiction.
7. All Deputy Commissioners are requested to review the progress of ongoing "Water Bodies Census" within their districts under this CSS (Centrally Sponsored Scheme). Good quality mobile phones have been issued to the Tehsildars for conducting Census / surveys of Water bodies across the UT of J&K for GPS coordinates.

Yours faithfully

  
22/10/2020

**(Rishpal Singh) KAS**

 Additional Commissioner (Central)  
with Financial Commissioner (Rev)  
J&K Jammu.

Copy to:

1. Principal Secretary to Govt., Revenue Department, Civil Secretariat, Jammu for information.
2. All Deputy Commissioner (s) for information and necessary action.
3. Addl. Inspector General Registration, Jammu/Kashmir for information and necessary action.
4. All Registrar's / Sub-Registrars for information and necessary action.
5. All Sub-Divisional Magistrate (s) for information and necessary action.
6. All Assistant Commissioner (s) Revenue for information and necessary action.
7. All Tehsildar (s) for information and necessary action.