



**GOVERNMENT OF JAMMU AND KASHMIR**  
**OFFICE OF THE FINANCIAL COMMISSIONER REVENUE**  
**JAMMU AND KASHMIR, SRINAGAR**

**Subject:** Reporting of cases in Revisions under Sec. 15 of the Land Revenue Act, 1996 (1938 AD).

No. 338/FCR/A92/APP1.

Dated: 17.10.2014

**CIRCULAR**

Whereas, Sec. 15 (2) of the Land Revenue Act, 1996 (1938 AD) provides that the Divisional Commissioner may call for the record of any case pending before or disposed of by any Revenue Officer subordinate to him;

Whereas, Sec. 15 (3) of the same Act provides that if the Divisional Commissioner is called for a record, and he is of the opinion that the proceedings taken or order made should be modified or revised, he shall report that case with his opinion thereon for the orders of the Financial Commissioner;

Whereas, the powers of the Commissioner, Survey and Land Records (Settlement Commissioner) and the powers of the Additional Commissioner with regard to the revisional jurisdiction are co-terminus with the powers of the Divisional Commissioner;

Whereas, Sec. 15 (4) of that Act lays down that the Financial Commissioner may pass such orders as he thinks fit on the cases referred to him as herein above provided;

Whereas, proviso appended to this Section lays down that the Financial Commissioner shall not pass an order reversing or modifying any proceedings or order of the subordinate officer affecting any question of right between the private persons without giving those persons an opportunity of being heard;

Whereas, generally it has been seen that after reporting of the cases from the offices/courts below to this office/court, parties do not cause appearance and a new process is required to be initiated to effect service and the same causes lot of delay in the final disposal of such cases;

*A. Harak*

Whereas, it has been noted with regret by this court that in the process, references from the Divisional Commissioners/Commissioner, Survey and Land Records (Settlement Commissioner)/Additional Commissioner have sometimes been delayed for over 10 years;

Whereas, delays cause inefficiency and drain even a just judgement of its value;

Whereas, a sense of confidence in the courts is imperative to maintain the fabric of ordered trust for people;

**Now, therefore, it is enjoined upon all authorities making "References" to the court of Financial Commissioner to categorically direct the parties to appear before this court on a particular date (which must be a court day of this court) so that the need to serve a fresh notice is dispensed with. The party which is adversely affected by the "Reference" be further directed to submit its arguments in writing on that date in the court of the Financial Commissioner so as to give an opportunity to the other side to rebut it and to ensure that the reference is disposed off after a maximum of three hearings.**

All the authorities herein noted above shall ensure that these instructions are complied with in letter and spirit.

*sd/-*  
**(Dr. Arun Kumar) IAS**  
**Financial Commissioner Revenue**  
**Jammu and Kashmir, Srinagar**

Copy to:

- 1) The Divisional Commissioner Jammu/Kashmir for information and necessary action;
- 2) The Commissioner Secretary to Govt., Revenue Department, J&K for information;
- 3) The Commissioner, Survey and Land Records, J&K for information and necessary action;
- 4) The Additional Commissioner Jammu/Kashmir for information and necessary action.
- 5) President Revenue Bar Association Jammu/Srinagar for information.
- 6) I/C website of this office for necessary action.

*Adharak*  
*17.X.2014*  
**Reader to**  
**Financial Commissioner (R)**  
**Jammu and Kashmir**