

**THE COURT OF FINANCIAL COMMISSIONER REVENUE
(COMMISSIONER AGRARIAN REFORMS)
JAMMU AND KASHMIR AT JAMMU**

FILE NO
436/FC-ARC/AP

DATE OF INSTITUTION
10.12.2013

DATE OF DECISION
23.12.2014

- 1) HIMMAT SINGH S/O LATE MANGAL SINGH R/O VILLAGE SITREYALA, TEHSIL AKHNOOR AND DISTRICT JAMMU A/P DOGRA NAGAR, CHAK CHANGRWAN, JAMMU.

(APPELLANT)

VERSUS

- 1) VIPIN KHULLAR S/O LATE OM PARKASH R/O GG-1, MIG FLATS, VIKAS PURI, NEW DELHI;
2) PRATIBHA KHULLAR D/O LATE OM PARKASH R/O H.NO. 387, SEC. 7, R. K. PURAM, NEW DELHI;
3) ASSISTANT SETTLEMENT OFFICER, JAMMU;
4) GAAR SINGH S/O DHIAN SINGH R/O PALOURA DHOK, JAMMU;
5) HARI SINGH S/O -----DO-----.

(RESPONDENTS)

In the matter of:

Appeal against the order dated 07.01.2013 passed by the ASO, Jammu in an application filed by the respondents No. 1 and 2 herein under Sec. 27-A of the Agrarian Reforms Act, 1976 for restoration of possession of land measuring 01K-01M falling under Khasra No. 171 (Min.) in village Chak Changarwan, Jammu. However, the court below has passed the impugned order not only with respect to the subject matter of the petition but also with regard to the land measuring 02K-12M and 01K-10M falling at the same location. With the

prayer to set aside the impugned order to the extent of the landed property of the appellant.

For Appellant --- Advocates Anil Gupta & Sunil Dutt Tagotra
For Respondents --- Advocate Ajay Gupta

ORDER

- 1) This court has gone through the case file and observes with regrets that the counsel for the petitioner has not been able to put forth the factual matrix of the case. No revenue record has been supplied, from which it can be ascertained that the land under consideration is a land that comes under the purview of the Agrarian Reforms Act, 1976 or not. The appellant claims that the ownership rights of the said land were acquired by the respondents No. 4 & 5 under Sec. 12 of the said Act. However, no mutation or connected revenue record is available in this behalf which may establish the sequenced information to reach a just conclusion. Technically, one who asserts a claim has the obligation to provide sufficient evidences in support of his contentions. The appellant has even failed to prove as to why the court below adjudicated the matter under Sec. 27 and 28 of the Agrarian Reforms Act, 1976. The appellant has also failed to rebut the written submissions of the respondents No. 1 & 2 despite many opportunities.
- 2) Thus, in view of what has been observed above, this court holds that the petitioner has failed to establish the facts of the case before this court. Accordingly, the appeal petition is rejected and the impugned order is upheld. Nevertheless, the appellant is at liberty to file a subsequent appeal/review petition with the relevant facts and other additional evidences. No costs. Interim directions, if any, shall stand vacated. The case file be relegated to records after due completion.

Sd/-

**(Dr. Arun Kumar) IAS
Financial Commissioner Revenue
(Commissioner Agrarian Reforms)
Jammu and Kashmir, Jammu**

Announced today on this the **2nd day of
December, 2014** under my hand and seal
of this Court.