

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

FILE NO  
**422/FC/ARC/AP**

DATE OF INSTITUTION  
**30.07.2013**

DATE OF DECISION  
**20.01.2015**

**1) JAGJIT SINGH S/O ISHAR SINGH R/O TALAB KHATIKAN, JAMMU (POWER OF ATTORNEY HOLDER OF HARBHAJAN SINGH);**

**2) BALDEV RAJ S/O AMAR NATH R/O GANDHI NAGAR, JAMMU.**

**(PETITIONERS)**

**VERSUS**

**1) TILAK RAJ S/O VAS DEV R/O DERA GANDOTRIAN, TEHSIL AND DISTRICT SAMBA;**

**2) TILAK RAJ S/O THORU R/O -----DO-----;**

**3) HANS RAJ @ BULLI R/O -----DO-----;**

**4) ASHOK KUMAR S/O GANDHI R/O -----DO-----;**

**5) BEHARI S/O KUTU R/O -----DO-----;**

**6) RAM KRISHAN S/O BHAGTU R/O TARORE, TEHSIL AND DISTRICT SAMBA;**

**7) KRISHAN LAL S/O CHAJJU R/O -----DO-----;**

**8) HANS RAJ S/O BHAGTU R/O -----DO-----;**

**9) MAGGAR S/O VAS DEV R/O DERA GANDOTRIAN, TEHSIL AND DISTRICT SAMBA.**

**(RESPONDENT)**

In the matter of:

**A) Initiating proceedings under Sec. 19 (3) (d) for declaring the respondents as trespassers and under Sec. 27 of the Agrarian Reforms Act, 1976 for restoration of possession of land measuring 55 Kanals and 15 Marlas falling under Khasra No. 862 in village Traore, Tehsil and District Samba;**

**B) For transferring the above titled case pending disposal before the AC (R) Samba to this court or any other court.**

For Petitioner No. 1     --- Advocate Dara Singh  
For Respondent         --- Ex Parte

**ORDER**

- 1) Briefly stated, the controversy concerns land measuring **55 Kanals and 15** falling at the above noted location. The petitioners herein moved the AC (R), Samba for initiating the proceedings under Sec. 19 (3) (d) read with Sec. 27 of the Agrarian Reforms Act, 1976 for restoration of the possession of disputed land. However, pending disposal of the petition before the court below, the petitioners herein filed a petition before this court to transfer the case to itself or any other court for disposal. Accordingly, on 21.10.2014, this court felt it just and proper to withdraw the case from the court below and to transfer the same to itself. Accordingly, the respondents were summoned through registered post but despite service they preferred absence. Therefore, the respondents were set ex parte on 24.12.2014 and this court proceeded to decide the matter on merits.
- 2) This court has gone through the case file as well as other material placed. The revenue record placed on the case file indicates that the type of land measuring 55 Kanals out of the total land is as ***“Ghair Mumkin Khad”***. It is alleged that the land under consideration was first allotted under the Govt. Order No. 578-C of 1954 and then ownership rights were conferred under the Govt. Order No. 254-C of 1965. Significantly, the actual mandate of the Govt. Order No. 578-C was to allot lands to such Displaced persons whose main source of livelihood was agricultural, meaning thereby that the allotment was for the same purpose only i.e., agricultural. In principle, the land with description as ***“Ghair Mumkin Khad”*** can't be allotted for agricultural purposes. Therefore, the first thing that is required to be ascertained is as to how the land under consideration was not only allotted

but ownership rights were also conferred on someone in violation of the rules.

- 3) Thus, in view of the facts and circumstances of the case and without going into the of the case, the petition filed before the AC (R) Samba is dismissed. The case is remanded to the Tehsildar concerned for a *de novo* enquiry into the matter with special reference to the observation made by this court and for taking further appropriate necessary action duly as per records. 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 **20<sup>th</sup> day of  
January, 2014** under my hand and seal of  
this Court