

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

<u>FILE NO.</u>	<u>DATE OF INSTITUTION</u>	<u>DATE OF DECISION</u>
203-19 /FC-ARC/AP	A -- 13.02.1990 (B, D, F-P) -- 29.12.1989 C – 17.11.1989 E – 19.03.1990	16.12.2014

(A)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O
BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----
(APPELLANTS)

VERSUS

- 1) GHULAM MOHAMMED AHANGER (ADOPTED) S/O SAMAD GANAI R/O
WATALBAGH, TEHSIL AND DISTRICT GANDERBAL;
- 2) MST. FATA D/O-----DO-----;
- 3) LASSOO S/O MOHAMMED GANAI R/O -----DO-----;
- 4) REHMAN S/O -----DO-----;
- 5) LALA S/O SULTAN GANAI R/O -----DO-----;
- 6) SONA S/O -----DO-----;
- 7) HASSAN S/O AKBAR GANAI R/O -----DO-----;
- 8) WALI S/O MOHAMMED SHEIKH R/O -----DO-----;
- 9) JATA SHEIKH S/O -----DO-----
(RESPONDENTS)

In the matter of:

Appeal against the order dated 04.09.1989 passed on mutation No. 248 attested under Sec. 4 of the Agrarian Reforms Act, 1976 of village Watalbagh, Tehsil and District Ganderbal.

(B)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----
(APPELLANTS)

VERSUS

- 1) MST. ZEBA WD/O ALI MIR R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL.
(RESPONDENT)

In the matter of:

Appeal against the order dated 25.09.1989 passed on mutation No. 258 attested under Sec. 8 of the Agrarian Reforms Act, 1976 of village Watalbagh, Tehsil and District Ganderbal.

(C)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----
(APPELLANTS)

VERSUS

- 1) ALI S/O AMA SHEIKH R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL.
- 2) AHAD S/O MOHAMMED GANAI R/O -----DO-----;
- 3) MUNAWAR S/O -----DO-----;
- 4) ALI S/O -----DO-----;
- 5) MAQBOOL S/O -----DO-----;
- 6) ASAD S/O SIDIQ GANAI R/O -----DO-----;
- 7) MOHAMMED GANAI S/O -----DO-----;
- 8) SHABAN GANAI S/O -----DO-----.

(RESPONDENTS)

In the matter of:

Appeal against the order dated 04.09.1989 passed on mutation No. 235 attested under Sec. 4 of the Agrarian Reforms Act, 1976 of village Watalbagh, Tehsil and District Ganderbal.

(D)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----.

(APPELLANTS)

VERSUS

- 1) QADIR S/O ASHUR GANAI R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL.

In the matter of:

Appeal against the order dated 16.03.1985 passed on mutation No. 153 attested under Sec. 4 of the Agrarian Reforms Act, 1976 and order dated 05.09.1989 passed on mutation No. 239 attested under Sec. 8 of the said Act, both of village Watalbagh, Tehsil and District Ganderbal.

(E)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
 - 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
 - 3) AVTAR KRISHAN S/O -----DO-----.
- (APPELLANTS)**

VERSUS

- 1) MOHAMMED AKBAR KHAN S/O ABDUL AZIM R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL.
- (RESPONDENT)**

In the matter of:

Appeal against the order dated 15.08.1986 passed on mutation No. 169 attested under Sec. 4 of the Agrarian Reforms Act, 1976 of village Watalbagh, Tehsil and District Ganderbal.

(F)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----.

(APPELLANTS)

VERSUS

- 1) SONA S/O REHMAN GANAI R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL;
- 2) GULL S/O -----DO-----.

(RESPONDENTS)

In the matter of:

Appeal against the order dated 16.03.1985 passed on mutation No. 153 attested under Sec. 4 of the Agrarian Reforms Act, 1976 and order dated 02.09.1989 passed on mutation No. 238 attested under Sec. 8 of the said Act, both of village Watalbagh, Tehsil and District Ganderbal.

(G)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----.

(APPELLANTS)

VERSUS

- 1) SHABAN GANAI S/O AHMED GANAI R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL.

(RESPONDENT)

In the matter of:

Appeal against the order dated 07.09.1989 passed on mutation No. 243 attested under Sec. 4 of the Agrarian Reforms Act, 1976 of village Watalbagh, Tehsil and District Ganderbal.

(H)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----.

(APPELLANTS)

VERSUS

- 1) AZIZ S/O SAMAD GANAI R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL.

(RESPONDENT)

In the matter of:

Appeal against the order dated 16.03.1985 passed on mutation No. 153 attested under Sec. 4 of the Agrarian Reforms Act, 1976 and order dated 25.09.1989 passed on mutation No. 259 attested under Sec. 8 of the said Act, both of village Watalbagh, Tehsil and District Ganderbal.

(I)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;

- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----
(APPELLANTS)

VERSUS

- 1) MOHAMMED AKBAR KHAN S/O ABDUL AZIM R/O WATALBAGH, TEHSIL
AND DISTRICT GANDERBAL.
(RESPONDENT)

In the matter of:

**Appeal against the order dated 15.08.1986 passed on
mutation No. 169 attested under Sec. 4 of the
Agrarian Reforms Act, 1976 and order dated
07.09.1989 passed on mutation No. 241 attested
under Sec. 8 of the said Act, both of village
Watalbagh, Tehsil and District Ganderbal.**

(J)

- 2) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O
BATAYAR, ALIKADAL, SRINAGAR;
- 3) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 4) AVTAR KRISHAN S/O -----DO-----
(APPELLANTS)

VERSUS

- 1) MAQBOOL S/O MOHAMMED GANAI R/O WATALBAGH, TEHSIL AND
DISTRICT GANDERBAL;
- 2) MUNAWAR S/O -----DO-----;

3) ALI S/O -----DO-----.
(RESPONDENTS)

In the matter of:

Appeal against the order dated 07.09.1989 passed on mutation No. 225 attested under Sec. 8 of the Agrarian Reforms Act, 1976 of village Watalbagh, Tehsil and District Ganderbal.

(K)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----.
(APPELLANTS)

VERSUS

- 1) ASSAD S/O SIDIQ GANAI R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL;
- 2) MOHAMMED S/O -----DO-----.
(RESPONDENT)

In the matter of:

Appeal against the order dated 05.09.1989 passed on mutation No. 240 attested under Sec. 8 of the Agrarian Reforms Act, 1976 of village Watalbagh, Tehsil and District Ganderbal.

(L)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O
BATAYAR, ALIKADAL, SRINAGAR;
 - 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
 - 3) AVTAR KRISHAN S/O -----DO-----.
- (APPELLANTS)**

VERSUS

- 1) GHULAM MOHAMMED S/O KHAZIR NAZAR R/O WATALBAGH, TEHSIL
AND DISTRICT GANDERBAL;
 - 2) ABDUL HAMID S/O -----DO-----.
- (RESPONDENTS)**

In the matter of:

**Appeal against the order dated 16.03.1985 passed on
mutation No. 153 attested under Sec. 4 of the
Agrarian Reforms Act, 1976 and order dated
02.09.1989 passed on mutation No. 237 attested
under Sec. 8 of the said Act, both of village
Watalbagh, Tehsil and District Ganderbal.**

(M)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O
BATAYAR, ALIKADAL, SRINAGAR;
 - 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
 - 3) AVTAR KRISHAN S/O -----DO-----.
- (APPELLANTS)**

VERSUS

1) KHAZIR S/O REHMAN NAZAR R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL.

(RESPONDENT)

In the matter of:

Appeal against the order dated 16.03.1985 passed on mutation No. 153 attested under Sec. 4 of the Agrarian Reforms Act, 1976 and order dated 25.09.1989 passed on mutation No. 257 attested under Sec. 8 of the said Act, both of village Watalbagh, Tehsil and District Ganderbal.

(N)

1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;

2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);

3) AVTAR KRISHAN S/O -----DO-----.

(APPELLANTS)

VERSUS

1) LASSOO S/O AKBAR GANAI R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL;

2) REHMAN S/O -----DO-----;

3) HASSAN S/O -----DO-----.

(RESPONDENTS)

In the matter of:

Appeal against the order dated 04.09.1989 passed on mutation No. 248 attested under Sec. 4 of the

Agrarian Reforms Act, 1976 and order dated 23.09.1989 passed on mutation No. 255 attested under Sec. 8 of the said Act, both of village Watalbagh, Tehsil and District Ganderbal.

(O)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----
(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);
- 3) AVTAR KRISHAN S/O -----DO-----
(APPELLANTS)

VERSUS

- 1) RAMZAN S/O REHMAN GANAI R/O WATALBAGH, TEHSIL AND DISTRICT GANDERBAL.
(RESPONDENT)

In the matter of:

Appeal against the order dated 16.03.1985 passed on mutation No. 153 attested under Sec. 4 of the Agrarian Reforms Act, 1976 and order dated 02.09.1989 passed on mutation No. 236 attested under Sec. 8 of the said Act, both of village Watalbagh, Tehsil and District Ganderbal.

(P)

- 1) KULDEEP NARAIN SHANGLOO S/O LATE NAND LAL SHANGLOO R/O BATAYAR, ALIKADAL, SRINAGAR;
- 2) TEJ KRISHAN SHANGLOO S/O -----DO-----

(REPRESENTED BY APPELLANT NO. 1 AS GUARDIAN);

3) AVTAR KRISHAN S/O -----DO-----

(APPELLANTS)

VERSUS

1) AHAD S/O MOHAMMED GANAI R/O WATALBAGH, TEHSIL AND DISTRICT
GANDERBAL.

(RESPONDENT)

In the matter of:

**Appeal against the order dated 07.09.1989 passed on
mutation No. 244 attested under Sec. 8 of the Agrarian
Reforms Act, 1976 of village Watalbagh, Tehsil and
District Ganderbal.**

For Appellants (All Cases) --- Advocate M.L.Bhat

For Respondents (All Cases) --- Ex Parte

ORDER

1) The present 16 appeals were filed before the court of the Joint Commissioner Agrarian Reforms, Srinagar on different dates as stated above. However, on 25.09.2008, this court felt it just and proper to transfer the said cases to itself for disposal. As the facts and cause of action in all the appeals was same, this court, therefore, clubbed them for joint disposal. The respondents were summoned through normal process as well as publication in "The Kashmir Daily Uzma" dated

11.07.2009 but they preferred absence throughout the proceedings and therefore, on 18.11.2009, were set ex parte. Thereafter, the matter was posted for orders on 16.03.2011. However, on 22.11.2011, insufficiency of some relevant documents significant to decide the case was noticed. Accordingly, this court ordered that the same be provided to finalise the order. However, only some of the record could be provided. As a result, this court felt that any further adjournment in the matter without fruitful proceedings would be futile and the matter was again kept reserved for orders.

- 2) This court has diligently gone through the case file and observes with regret that the counsel for the appellants has not been able to put forth the factual matrix of the case. In principle, one who asserts a claim has the obligation to provide sufficient facts along with proof in support of his contentions. In addition, as no one appeared on behalf of the respondents, responsibility laid definitely on the counsel for the petitioner to bring forth the sequenced information and evidences before this court. The appellants assert that they had validly applied for the resumption of the land under consideration. Nevertheless, they have failed to provide any evidence in this regard. The appellants could very well have gone to the concerned Tehsil office to get certified copies of the resumption forms filed or receipts thereof. A vigilant is always aided by law and not the indolent. The appellants have remained in slumber after filing the appeals and could not provide this important document despite the fact that three years ago their attention was drawn towards insufficiency.
- 3) In view of what has been observed above, this court without going into the merits of the cases holds that the appellants have failed to establish the facts and claims asserted. All the appeals are, therefore, rejected. Notwithstanding this, the petitioner is at liberty to file a subsequent review petition in case he gets any additional facts and

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 **16th day of
December, 2014** under my hand and Seal
of this Court.