

**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>
454/FC-ARC/AP	17.02.2014	18.11.2014

SHER MOHAMED S/O QASIM GUJJAR R/O SUNDERPUR, TEHSIL R.S.PURA
(THROUGH SPECIAL POWER OF ATTORNEY, GULAM MUSTAFA S/O
SHER MOHD. R/O SUNDERPUR, TEHSIL R.S.PURA DISTRICT JAMMU)
(APPELLANT)

VERSUS

- 1) SARDOOL SINGH S/O THAKUR SINGH R/O NAI BASTI, GOVINDPURA,
TEHSIL R.S.PURA AND DISTRICT JAMMU;
- 2) TEHSILDAR R.S.PURA.

(RESPONDENT)

In the matter of:

**Appeal against the order dated 20.11.2013 passed
by the Tehsildar R.S.Pura with regard to land
measuring 11 Marlas falling under Khasra No. 345
in village sunderpur, Tehsil R.S.Pura and District
Jammu.**

For Petitioner --- Advocate Mukesh Kumar Sharma

For State --- Advocate P. Singh

ORDER

- 1) This court has gone through the case file and observes with regrets that the petitioner has assailed the impugned orders before the wrong forum. The land under consideration is Evacuee property and this court has limited jurisdiction with regard to such lands. Earlier the respondent herein had filed a petition before the Assistant Settlement Officer, Jammu under Sec. 19 (3) (e) and Sec. 27 (2) of the Agrarian Reforms Act,

1976 for the eviction of the appellant herein from the disputed land. The court below in its order dated 13.10.2011 rightly observed that the afore said provisions are not applicable to the land in question as the same is an evacuee property. The court below appropriately advised the respondent herein to go to the Custodian Evacuee property or the Assistant Custodian, R.S.Pura for this eviction from his allotted land.

- 2) Thus, for the reasons stated above, this court is of the opinion that the courts/authorities established under the Jammu and Kashmir State Evacuees (Administration of Property) Act, 2006 (Smt.) can only intervene in the matter. Accordingly, the appeal is rejected. It will be advisable if the appellant approaches a competent court for the redressal of his grievances. No costs. Interim directions, if any, in the matter 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 **18th day of
November, 2014** under my hand and seal
of this Court.