

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

FILE NO.
389/FC-AP

DATE OF INSTITUTION
24.10.2014

DATE OF DECISION
26.08.2015

1) SHIV JI BHAT S/O RAGOW BHAT R/O LOGRIPURA, TEHSIL PAHALGAM,
ANANTNAG A/P MIGRANT C/O H. NO. 9-C, OM NAGAR, UDHEY WALA,
JAMMU;

(PETITIONER)

VERSUS

1) ADDITIONAL DEPUTY COMMISSIONER, ANANTNAG;
2) ASSISTANT COMMISSIONER REVENUE, ANANTNAG;

(RESPONDENTS)

3) GORI SHORI BHAT D/O RAGOW BHAT R/O LOGRIPURA, TEHSIL
PAHALGAM, ANANTNAG.

(PROFORMA RESPONDENT)

In the matter of:

Revision against the findings of the Assistant Commissioner Revenue Anantnag recorded in his letter/report addressed to Additional Deputy Commissioner, Anantnag under No. 29/LA/PWD/Ang. dated 29.09.2014 whereby he has of his own wrongly termed the Sec. 5 Shamilat land covered under Khasra No. 264 min situated in village Logripura, Tehsil Pahalgam as Shamilat Sec. 4 holding the petitioner as not entitled to any compensation. Prayer for quashing the same

alongwith the consequential observations of the Additional Deputy Commissioner, Anantnag made in his order dated 02.05.2014 endorsed to the petitioner under No. ADC/RTI/14/810 dated 11.06.2014 as being uncalled for, unfounded, wrong, illegal and without jurisdiction.

For Petitioner --- Advocate O. P. Sharma
For Respondent Nos. 1 & 2 --- ARA

ORDER

- 1) The present case has a connected history with a case titled, “**Shiv Ji Bhat & Anr. Vs. Triloki Nath & others**” which was disposed of by this court on 24.06.2015. The said case pertains to the land measuring 04 Kanals and 06 Marlas falling under Khasra No. 264 min in village Logripora, Pahalgam. To meet the ends of justice, this court had ordered for the quashment of all proceedings taken or actions done or purported to have been done after *khariief*, 1971 and restoring the previous position with regard to the said land. The Collector Agrarian Reforms/Competent Authority has been directed to consider the claims of the parties concerned and to decide the matter afresh.
- 2) On 29.07.2015, the counsel for the petitioner appeared with an application that necessary orders be passed in this revision petition also by taking the earlier order into consideration. This court has meticulously gone through the case file and observes that during pending disposal of the earlier case a report was called for from the Deputy Commissioner, Anantnag vide DO letter No.326/FC/ARC/AP dated 18.11.2013 which was duly submitted vide letter No. DCA/Mig/Camp II/2014/83 dated 19.02.2014 which was based on a report of the Assistant Commissioner, Revenue Anantnag. Amongst all the relevant documents, the said report of the ACR, Anantnag attracts attention. On one hand he speaks of the attestation of mutation No. 67 by virtue of which the land was declared as *Shamilat* Rule 5 but on the other he certifies the land being *Shamilat* Rule 4 after relying on the Jamabandi of

1968-69. Both these versions of the ACR, Anantnag are contradictory. He was required to point out in detail as to how the title of the land has changed which could have then been considered to settle the basic issue.

- 3) In the given circumstances, this court is left with no option than to order a full-fledged enquiry by the Deputy Commissioner (Collector) Anantnag in the matter and to take appropriate action which may include correction of the records under law. The case is disposed of accordingly and the petitioner is directed to adduce all his evidence before the Collector concerned. The internal correspondence made between the subordinate officials shall not come in the way of the disposal of the case. Regarding the orders passed under the J&K Right to Information Act, 2009, the petitioner is advised to move the appropriate forum. There shall be no order to costs. Interim directions, if any, shall stand vacated. The case file be relegated to records after due completed.

Sd/-

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

Announced today on this the **26th day
of August, 2015** under my hand and seal
of this Court.