

**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>
466/FC/ARC/AP	13.03.2014	21.07.2014

1) SURJEET KOUR WD/O DALIP SINGH R/O VILLAGE DIGIANA TEHSIL AND DISTRICT JAMMU.

(PETITIONER)

VERSUS

- 1) SATNAM SINGH S/O DALIP SINGH R/O VILLAGE DIGIANA TEHSIL AND DISTRICT JAMMU;
- 2) TEHSILDAR SETTLEMENT JAMMU.

(RESPONDENT)

In the matter of:

Appeal against the order dated 05.09.2009 passed by the Tehsildar Settlement Jammu on mutation No. 1339/G whereby land falling under Khasra numbers 331, 332 and 424 in village Digiana was vested in the name of respondent No. 1 on the basis of a WILL deed.

For Petitioners --- Advocate S. Surinder Singh

For Respondents --- Advocate Pawanpreet Singh

JUDGEMENT

- 1) The brief facts of the case are that one Ranjeet Singh S/O Lal Singh R/O village Digiana, Tehsil and District Jammu had the rights of Occupancy Tenancy over the disputed land under Sec. 3-A of the Agrarian Reforms Act, 1976. The petitioner was married to his son, Daleep Singh. The couple had 04 children. Satnam Singh, private respondent herein was the only son and 03 daughters who are married and live in their respective marital homes. The said Daleep Singh had died during the

lifetime of his father. The Tehsildar (S) Jammu attested the impugned mutation in favour of the private respondent only on the basis of a **WILL** deed executed by Ranjeet Singh.

- 2) Aggrieved, the petitioner herein filed the present appeal challenging the impugned mutation on various grounds. The main contention being that, it is a settled principle of law that no **WILL** deed can be executed with respect to the land over which Occupancy Tenancy rights are conferred under Sec. 3-A of the Agrarian Reforms Act, 1976. The impugned mutation attested on the basis of the said **WILL** deed, however, denies her share in the land under consideration.
- 3) The case was taken up for hearing in this court and the other party was put to notice. However, on the second day of hearing, the counsel for the private respondent submitted that he has no objection to the petition and therefore, the case was reserved for orders.
- 4) Thus, in light of the facts and circumstances of the case and considering the submissions made by the counsel for the respondent, this court without going into the merits of the case, allows the appeal and sets aside the mutation impugned. The case is remanded back to the Tehsildar concerned for **de novo** enquiry in the matter and for attestation of a fresh mutation in accordance with the relevant provisions of law. No costs. Interim directions, if any, shall stand vacated. The case file be relegated to the records after due completion. The appeal is disposed off accordingly.

Sd/-

(Dr. Arun Kumar) IAS

**Financial Commissioner Revenue
(Commissioner Agrarian Reforms)
Jammu and Kashmir, Jammu**

Announced today on this the 21st day of
July, 2014 under my hand and seal of this
Court.