



सत्यमेव जयते

Government of Jammu & Kashmir

**Office of the Financial Commissioner (Revenue) J&K**

J&K- Rail Head Complex Jammu, 180001 [Nov-April] / Amar Niwas, Tankipora Srinagar, 190001 [May-Oct]  
Phone No. [Srinagar] 0194-2459372, Fax-0191-2473838 [Jammu] -0191-247021, Fax -0191-2471221  
www.jkfc.nic.in E-mail address-jkfinancialcr@gmail.com

**Subject: Review of all Administrative Actions/Procedures held up on account of Court Orders.**

### **CIRCULAR**

The Department of Law, Justice and Parliamentary Affairs vide Circular No.07-JK(LD) of 2020 dated 25.11.2020 has clarified that any stay granted by any Hon'ble Court, including Hon'ble High Court, has a validity of six months only and the same automatically expires at the end of six months unless explicitly extended by a fresh order.

While imparting the directions on this matter, Department of Law, Justice and Parliamentary Affairs has reproduced two major judgments, wherein the Hon'ble Supreme Court has laid down the law on this matter. These are "Asian Resurfacing of Road Agency Pvt. Ltd & Anr. Vs Central Bureau of Investigation decided on 28.03.2018 and M.A. No.1577 of 2020 in Crl.Appeal Nos.1375-1376 of 2013 decided on 15.10.2020 the relevant portions of the judgments are reproduced as:

**(a) "Asian Resurfacing of Road Agency Pvt. Ltd & Anr. Vs Central Bureau of Investigation decided on 28.03.2018**

*"...that in all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expiry of six months from today unless in an exceptional case by a speaking order such stay is extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of Stay of Civil or Criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension is produced."*

**(b) "M.A. no.1577 of 2020 in Crl. Appeal Nos.1375-1376 of 2013 decided on 15.10.2020."**

*"We must remind the Magistrates all over the country that in our pyramidal structure under the constitution of India, the Supreme Court is at the Apex, and the High Courts, though not*

*H. A.*  
*27-11-2020*

*27.11.20*

*judgment. We expect that the Magistrates all over the country will follow our order in letter and spirit. Whatever stay has been granted by any court including the High Court automatically expires within a period of six months, and unless extension is granted for good reason, as per our judgment, within the next six months, the trial Court is, on expiry of the first period of six months, to set a date for the trial and go ahead with the same."*

In view of the above Circular of Department of Law, Justice and Parliamentary Affairs, Divisional Commissioner Jammu/Kashmir/ Commissioner Survey and Land Records, J&K/All Deputy Commissioners/All Additional Deputy Commissioners/All Assistant Commissioners(Revenue)/All Regional Director Survey and Land Records/Tehsildars are impressed upon to **review all administrative actions/procedures held upon on account of interim Court orders and in case the Court Orders are more than six months old, treat the orders as expired and proceed accordingly.**

**Besides all Presiding Officers of Revenue Courts are enjoined upon to fix all the cases during next 15 days and follow the judgment.**

-Sd-

**(Shaleen Kabra), IAS**


Financial Commissioner (Revenue)  
J&K, Jammu

No.FCR/Writ/3326/2020

Dated:27.11.2020

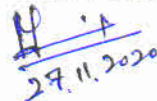
Copy to the:

1. The Principal Secretary to Govt. Revenue Department, J&K, Jammu for information.
2. Joint Financial Commissioner (Revenue),J&K for Compliance
3. Divisional Commissioner,Jammu/Kashmir
4. Commissioner Survey and Land Records,J&K, Jammu for compliance
5. All Deputy Commissioners for compliance
6. All Regional Directors Survey and Land Records for compliance
7. All Presiding Officers of Revenue Courts for compliance
8. Reader to Financial Commissioner (Revenue)/Joint Financial Commissioner (R) for information.

  
27/11/20

(Rishpal Singh) KAS

Additional Commissioner, Central  
With Financial Commissioner, Revenue

  
27.11.2020