

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

FILE NO.
358/FC-AP

DATE OF INSTITUTION
06.02.2014

DATE OF DECISION
09.12.2014

1) ATTA MOHD. KHAN S/O LAL MOHD. KHAN R/O GUDDER A/P CHHANI
RAMA, JAMMU (MIGRANT).

(PETITIONER)

VERSUS

1) GHULAM YATOO S/O SONA YATOO R/O SEHPORA HARMIN, TEHSIL AND
DISTRICT SHOPIAN.

(RESPONDENT)

In the matter of:

**Revision petition against order dated 17.04.1998
passed on mutation No. 961/1 with regard to the land
measuring 05 Kanals and 14 Marlas falling under
Khasra No. 120 (Min.) in village Harmin, Tehsil and
District Shopian.**

For Petitioner --- Advocate B.A.Mir

For Respondent --- Ex Parte

J U D G E M E N T

- 1) The summarised facts of the case are that land measuring 05 Kanals and 14 Marlas was in the collective ownership of one Abdul Rashid and his brother, Atta Mohd., the petitioner herein. It is alleged that the Tehsildar concerned attested the impugned mutation **No. 961/1** on the basis of a registered "**Gift Deed**" in favour of Ghulam Yattoo, the respondent herein, which the petitioner denies having ever made.
- 2) Aggrieved, the petitioner who is a migrant has filed the present revision petition challenging the impugned mutation on various grounds. Accordingly, the

respondent was put to notice but he preferred absence throughout the proceedings. On 27.10.2014, the respondent was, therefore, set ex parte and this court proceeded to decide the matter on merits.

- 3) This court has gone through the case file and other connected record. It is observed that in column No. 1, the impugned mutation has been allocated a divisible serial number, viz., 961/1. **Rule 9 of the Standing Order 23-A** says that the serial number of mutation cases for each village should be continuous for the whole term of the settlement and each case should be given a separate number. No instance has been provided in the said standing order or any other law for the time being in force where a mutation can be assigned a divisible number.
- 4) The second point of suspicion is that had the actual event happened regarding the transfer of property by way of a **“Gift Deed”**, the same could have been incorporated in the revenue record by attesting a mutation in that behalf and allotting it a serial number next to the latest Entered/Attested mutation concerning that village. It is not known as to whether any such mutation has actually been attested or only manipulations have been done in the record just to give benefit to the respondent herein.
- 5) Having considered the facts and circumstances of the case, the revision petition is allowed and the mutation impugned is set aside. The matter is remanded to the District Magistrate, Shopian for a **de novo** enquiry and further appropriate necessary action under law. 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 **9th day of**
December, 2014 under my hand and Seal
of this Court.