

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

FILE NO.

DATE OF INSTITUTION

DATE OF DECISION

27.05.2013

02.12.2014

- 1) BALDEV RAJ S/O AMARNATH R/O GANDHI NAGAR, JAMMU;
 - 2) JAGJIT SINGH S/O ISHAR SINGH R/O TALAB KHATIKAN, JAMMU
(ATTORNEY HOLDER OF HARBHAJAN SINGH).
- (PETITIONERS)**

VERSUS

- 1) SWAMI PARKASHA NAND R/O R.S.PURA.
- (RESPONDENT)**

In the matter of:

**Appeal against the order dated 05.11.2012 passed
by Assistant Settlement Officer (With powers of
Collector, Agrarian Reforms) Jammu with the
prayer to set aside the same.**

For Petitioners --- Advocate Dara Singh

For Respondent --- Ex Parte

JUDGEMENT

- 1) The present controversy before this court concerns a piece of land measuring **12 Kanals falling under Khasra No. 862 in village Tarore, Samba**. The petitioners herein preferred a petition under Sec. 27 of the Agrarian Reforms Act, 1976 before the Assistant Settlement Officer (Collector, Agrarian Reforms) Jammu for restoration of the aforesaid land. The court below after considering the arguments of both counsels and going through the case file noted that the petitioners have not

attached any document in support of their petition. On the other hand, the respondent has filed copies of the sale deeds dated **10.02.2005, 15.02.2005 and 25.02.2005**. As a result, the court below held that the respondent has purchased the land in question and the petitioners have no locus standi in the matter. As such, it dismissed the petition being misconceived and without jurisdiction.

- 2) This court has gone through the impugned order and notes that the court below has decided the case on merits, despite its admission that the court had no jurisdiction in the matter as the property was located in Samba. In that case, the court below should simply have dismissed the petition advising the petitioners to go to a competent court of jurisdiction for the redressal of their grievances.
- 3) For the reasons aforesaid, therefore, this court sets aside the order passed by the court of the Assistant Settlement Officer (Collector, Agrarian Reforms) Jammu as lacking jurisdiction in the matter. The matter is, accordingly, remanded to the Collector, Agrarian Reforms Samba for appropriate necessary action. A copy of this order is forwarded to the Assistant Settlement Officer (Collector, Agrarian Reforms) Jammu for information. 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 **2nd day of**
December, 2014 under my hand and Seal
of this Court.