

**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>
	10.07.2001	06.01.2015

- 1) JOGINDER SINGH S/O SHIV RAM R/O VILLAGE BARAN, TEHSIL AND DISTRICT JAMMU;
 - 2) MOHINDER LAL S/O -----DO-----;
 - 3) GOSHA KUMAR S/O -----DO-----;
 - 4) SHANTI DEVI WD/O ----- DO-----.
- (APPELLANTS)**

VERSUS

- 1) UTTAM CHAND S/O SHIV RAM R/O VILLAGE BARAN, TEHSIL AND DISTRICT JAMMU;
 - 2) AJIT KOUR W/O S. TARA SINGH R/O DIGIANA, TEHSIL AND DISTRICT JAMMU.
- (RESPONDENTS)**

In the matter of:

- A) Appeal against the order passed by the Circle Officer with regard to verification of land measuring 11 Kanals and 01 Marlas falling under Khasra No. 496 in village Baran, Jammu;**
- B) Case remanded by the J&K Special Tribunal dated 10.07.2001 with regard to the subject matter at 'A' above.**

For Appellants --- Advocate M. L. Bhat
For Respondent No. 1 --- Nemo

For Respondent No. 2 --- Advocate Devinder Sharma

ORDER

- 1) The instant case is on the dockets of this court since 10.07.2001. An examination of the case file and the other connected record including the written submissions filed by the parties indicates that the controversy pertains to the verification of girdawari entries made under the earlier Agrarian Reforms Rules in respect of the above mentioned land. However, it appears that the land under contemplation is evacuee property and such lands are exempted from the operation of the Agrarian Reforms Act, 1976 and rules made there under. Since the impugned order is not available in the case file and if at all the Circle Officer has done so, the same is against the above said Act and is liable to be corrected. In addition, the respondent No. 2 submits that the said verification of entry has no relevance as the land in question is Evacuee property.
- 2) As far as the issue of allotment of the land to the father of the respondent No. 2 or order dated 12.04.2002 passed by the Custodian Evacuee Property asking the appellants No. 1 to 3 herein to file application for allotment of land in their favour is concerned , this court is of the opinion that the courts/authorities established under the Jammu and Kashmir State Evacuees (Administration of Property) Act, 2006 (Smvt.) can only intervene in the matter.
- 3) Thus, in view of what has been observed above, the appeal is allowed and accordingly, the order impugned is set aside. The case is remanded to the Tehsildar concerned for a ***de novo*** enquiry in the

matter and for taking 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 **06th day of**
January, 2015 under my hand and seal of
this Court.