

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

FILE NO.
226/FC-ARC/AP

DATE OF INSTITUTION
10.04.2000

DATE OF DECISION
23.12.2014

KRISHAN KUMAR S/O GANGA RAM R/O VILLAGE SEER MANJILA, TEHSIL
RAMNAGAR AND DISTRICT UDHAMPUR.

(APPELLANT)

VERSUS

BELI RAM S/O HEERU R/O VILLAGE SEER MANJILA, TEHSIL RAMNAGAR AND
DISTRICT UDHAMPUR.

(RESPONDENT)

In the matter of:

**Appeal against the order dated 14.02.2000 passed on
mutation No. 603 under Sec. 4 of the Agrarian
Reforms act, 1976 and order dated 23.02.2000 passed
on mutation No. 604 under Sec. 8 of the said Act,
both attested by the Tehsildar Ramnagar.**

For Petitioner --- Advocate K.L.Bhat

For Respondents --- Advocate O.P.Thakur

J U D G E M E N T

- 1) The summarised facts of the case are that Krishan Kumar and others were the owners of land measuring **16 Kanals and 04 Marlas** falling under Khasra No. 556/12 (**03K-12M**), 557/12 (**19M**), 558/12 (**01K-10M**), 559/12 (**01K-09M**), 560/12 (**04K-10M**) and 564/12 (**04K-04M**). This land came under the purview of the Agrarian Reforms Act, 1976. Consequently, mutation No. 603 dated 14.02.2000 was attested under Sec. 4 of the said Act whereby the ownership rights of the ex owners were extinguished and the said land was vested in the State. One Beli Ram, respondent herein was declared as the Prospective Owner thereof.
- 2) Additionally, the said Beli Ram was also declared as Prospective Owner with regard to the land measuring 18 Kanals and 05 Marlas falling under Khasra No. 550/12 (04K-16M), 552/11 (03K-00M), 554/7 (04K-00M) and 563/9 (06K-02M) in the above stated village vide mutation No. 483 dated 23.06.1983 attested under Sec. 4. Subsequently, on the basis of a decision of Hon'ble High Court of J&K in OWP No. 857/94 dated 17.11.1999, mutation No. 604 was attested by virtue of which the said Prospective Owner was conferred with the ownership rights over the entire land.
- 3) Aggrieved, Krishan Kumar has filed the present appeal challenging the mutation No. 603 and 604 on various grounds. However, pending disposal of the case, it was brought to the notice of this court that on 12.02.2014, the parties have already entered into an agreement before the Assistant Commissioner (R), Udhampur with regard to the disputed land defining the shares of each other and that the AC(R) has recorded this vide his order dated 09.01.2012. Accordingly, both the parties requested this court to dispose of the present appeal in the light of the said compromise.
- 4) This court has gone through the case file and the other connected record including the compromise deed. It has been observed that the land under consideration is transferred to Beli Ram, the respondent herein under Sec. 8 of the Agrarian Reforms Act, 1976. Sec. 28-A of the said Act lays down that **“no person who is vested with the ownership rights under this Act shall transfer such land or rights therein in any manner whatsoever to any person”** and if this is done the land shall vest in the State. Allowing this

compromise deed would mean deviation from the provisions of this noble piece of legislation and this court cannot let that happen.

5) Thus, in view of what has been discussed above, the compromise is **NOT** allowed. Accordingly, the appeal is dismissed and the orders passed on the impugned mutations are upheld. The case is remanded to the Collector, Agrarian Reforms, Udhampur for enquiring into the matter afresh with the rights of both the parties and with regard to the violation of the provisions of the Agrarian Reforms Act, 1976, if any, and accordingly to take appropriate further necessary action in this regard. In case, not competent to take action, the Collector shall forward the case along with specific recommendation of the action to be taken to the authority competent to take decision under the relevant provisions thereof. All this exercise shall be completed within a period of 60 days hereof. 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 **23rd day of**
December, 2014 under my hand and Seal
of this Court.