

Before Dr. M. S. Sood, IAS, Joint Financial Commissioner (AR)
with the powers of Financial Commissioner (Revenue),
J&K, Jammu/Srinagar.

File No:
248/Jt. FC/AP

Date of Institution
08.01.2007

Date of Decision:
03.04.2014

1. Parshotam Lal s/o Sh Lochan caste Brahman r/o village Tareru Tehsil Kalakote Distt. Rajouri 2. Smt. Juglesh Kumari d/o Sh Lochan w/o Sh Suresh Kumar Bakshi at present village Nagla Ramjoo P.O Sanampur Sadapur Mathura (UP).

.... Petitioners

Vs

1. Smt. Sheeblo Devi w/o Lt. Sh Suresh Kumar 2. Sh. Onkar Nath s/o Suresh Kumar
3. Sh Uttam Lal s/o Lat Suresh Kumar all r's/o Tareru Tehsil Kalakote Distt. Rajouri.

... Respondents

In the matter of:

Reference dated 19.12.2006 made by Ld Addl. Commissioner, Jammu in a revision petition against the order of Tehsildar Kalakote passed on mutation no. 1674 dated 18.07.2003 of village Tareru Kalakote.

ORDER

Learned Additional Commissioner, Jammu made a reference on 19.12.2006 in a matter whereby he has accepted the revision petition filed against the order of mutation no. 1674 dated 18.07.2003 passed by Tehsildar, Kalakote in respect of the land falling in Khewat no. 172 and 189 situated at village Tareru Tehsil Kalakote District Rajouri and has sent the case to this court for passing of appropriate orders in the light of his recommendations.

Parties were summoned who caused their appearance through their respective counsels at initial stage but latter chose not to appear before this court. The case was accordingly, fixed for orders on its merits.

I have gone through the reference made by the court below and have also perused the written submissions filed by the parties before the court below. I have also gone through the impugned mutation. No doubt petitioner no.1 Parshotam Lal was present on the spot at the time of attestation of impugned mutation. However,

there is no whisper about the presence of petitioner no. 2 Smt. Juglesh Kumari who happens to be the daughter of late Lochan, the actual land holder. No efforts have been made by the Tehsildar for summoning the petitioner no. 2 before attesting the impugned mutation. There is also a will deed present on record executed by late Lochan on 19.03.1991 duly registered by Sub Registrar/Munsiff Kalakote on 24.10.1991. The said document has been executed and registered much prior to the attestation of impugned mutation. However, the Tehsildar has not probably considered the said will deed before passing the impugned order which makes it necessary that the denovo enquiry be made and all parties be heard before passing orders.

On the said analogy the reference dated 19.12.2006 made by Ld. Addl. Commissioner, Jammu in the matter is accepted and the order passed on impugned mutation no1674 dated 18.07.2003 is set-aside. Matter is remanded back to the Tehsildar, Kalakote for denovo enquiry and passing of fresh orders after hearing all the parties and after considering all legal documents presented before him.

Interim order, if any passed in the matter is vacated / Consigned to records after due completion.

Announced
03.04.2014


(Dr. M. S. Sood) IAS
Joint Financial Commissioner (AR)