

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

FILE NO.
94/FC-ARC/AP

DATE OF INSTITUTION
23.09.2008

DATE OF DECISION
24.06.2015

- 1) SHIV JI BHAT S/O RAGOW BHAT R/O LOGRIPURA, TEHSIL PAHALGAM, ANANTNAG;
 - 2) GORI SHORI BHAT D/O -----DO-----.
- (PETITIONERS)**

VERSUS

- 1) TIRLOKI NATH S/O TARA CHAND R/O LOGRIPURA, TEHSIL PAHALGAM, DISTRICT ANANTNAG & OTHERS
- (RESPONDENTS)**

In the matter of:

- A) Application instituted/subjudice in the court of the ACR Anantnag (Collector AR) for correction of girdawari entries from kharif, 1971 in respect of land measuring 04 Kanals and 06 Marlas falling under Khasra No. 264 in village Logripura, Tehsil Pahalgam, District Anantnag;**
- B) Application on behalf of Shiv Ji Bhat for calling report/file from the ACR regarding the latest position of the case;**
- C) Objections filed by Shiv Ji Bhat to the proceedings taken or the report submitted by the ACR vide No. 740/ACR dated 25.01.2006;**
- D) Petition for quashing the unwarranted/illegal, arbitrary and unauthorised absentia proceedings, illegal findings and also aforesaid report of the ACR.**

For Petitioner --- Advocate O. P. Sharma
For Respondent --- In Person

J U D G E M E N T

- 1) The present case has a muddled history of acrimony for the last around 30 years. Briefly stated, the petitioners claim to have applied for the correction of *girdawari* entries in the records from ***khariif*, 1971** before the Deputy Commissioner (Collector), Anantnag who had directed for the maintenance of status quo in the matter vide his order 146-47/PA dated 01.05.1985. Subsequently, the Collector transferred the case to the Assistant Commissioner Revenue, Anantnag for disposal. However, after the petitioner's migration in 1990 and reported floods in 1992, the case seems to have remained unattended for quite a long time. The petitioner then moved this court to know the status of the case since he was not getting any information about it.
- 2) Pending disposal of the present case, the Assistant Commissioner Revenue vide letter No. 740/ACR dated 25.01.2006 had reported that due to some subversive incidents in his office and the devastating floods of 1992, most of the records had got damaged. No clue regarding the case of the petitioners, the order of status quo and implementation status thereof in the revenue records could be found. In addition, the Assistant Commissioner Revenue after demarcating the land submitted certain facts and findings for the consideration of this court.
- 3) In order to meet the ends of justice, the then Settlement Commissioner, Jammu and Kashmir was also directed to make a thorough enquiry into the matter. The report submitted by the enquiry officer vide No. 2830-SC/App dated 07.07.2006 indicates that he had visited the office of the Assistant Commissioner Revenue on 10.04.2006. He was of the view that the records viz., the *Peshi* Register, *Misiband* Register etc. were not maintained in an orderly fashion and did not contain the details of all the cases. The details of the file relevant to the enquiry do not figure in these registers. That record could also not be traced in the office of the Deputy Commissioner (Collector), Anantnag as well as in the record room. Further, it was reported

that the said case was also not pending before the Assistant Commissioner Revenue for adjudication.

- 4) Congregating the facts and circumstances, the present case has drowned the basic issues and in the prevailing state of affairs, the case can't be decided on merits. The case is being stretched on one pretext or the other causing only delays. Without wasting a moment now, this court is of the firm view that the case be decided afresh by the competent authority.
- 5) For the reasons aforesaid and after having an in-depth analysis of the facts and circumstances of the matter, the present petition is disposed of with the direction to the Collector Agrarian Reforms/Competent Authority concerned to consider the claims of the parties and to decide the matter afresh. All proceedings taken or actions done or purported to have been done after *kharij*, 1971 are hereby quashed. The position prior to the determinant date is restored. The parties are accordingly directed to approach the revenue authorities for the redressal of their grievances. Until, the case is disposed of by the competent authority, there shall be no alienation of the subject land by either party.
- 6) The facts and circumstances of the present case have forced this court to critically examine the question of proper maintenance of the records and registers in the Revenue Department. It is acknowledged that the Revenue functions in the state are both executive and administrative in nature. Various decisions taken or information gathered in office are to be recorded properly with due authentication. Considering the paramount importance of these functions, a range of registers has already been prescribed to be maintained in the offices on different subjects, besides revenue records. The proper maintenance of registers/records facilitates getting the required information resulting into an effective administration.
- 7) But this has been noted with regret that the maintenance of records/registers at different levels in the Revenue Department is very poor. The records in the offices remain in an unattended and dilapidated condition. Many prescribed registers/records are not being maintained which results in the dislocation of important and valuable information. It is further observed that in many offices, the records/registers are not kept in

safe custody and the same are often made accessible to outsiders making them susceptible for tampering. Therefore, the concerned officials are to be made responsible for the safekeeping of records to avoid any sort of mischief.

- 8) Keeping in view the importance and necessity in this regard and till full scale computerisation of the same is achieved, all officers/officials are hereby instructed that the prescribed registers and records shall invariably be maintained properly with updated information. The proper maintenance and preservation of the registers/records would be one of the key parameters in evaluation of performance of the officers/officials. Let a copy of this order be forwarded to all Deputy Commissioners to critically pursue the matter with the respective heads of various offices under their control and to see that tangible action is taken by them within a period of one month hereof. Separate teams of officers shall be deputed by this office for monitoring the progress in this behalf.
- 9) In the circumstances, there shall be no order to costs. Interim directions, if any, shall stand vacated. The case file be relegated to records after due completed.

Sd/-

(Dr. Arun Kumar) IAS
Financial Commissioner Revenue
(Commissioner Agrarian Reforms)
Jammu and Kashmir, Jammu

Announced today on this the **24th day**
of June, 2015 under my hand and Seal
of this Court.