

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

File No:

51 /Jt. FC/AP

Date of Institution

09.05.1988

Date of Decision:

13.03.2014

State. [Petitioner]

Vs

Karamat Ali 2. Rehmat Ali sons of Gulab Din R's/o Sunjwan Tehsil, Jammu.

[Respondents]

In the matter of:

Reference made by Ld. Divisional Commissioner, Jammu regarding revision against
mutation no. 870 of village Sunjwan dated 18.07.1976.

Order

This is a reference made by the Ld. Divisional Commissioner, Jammu on 29.07.1988 and has recommended that impugned mutation be set-aside and action be taken against delinquent officers/officials who have passed the impugned order.

The land under khasra no 2226/1531 measuring 58k-10M was actually state land and the mutating officer has ordered his land be recorded in the ownership of the respondent.

The case came up for hearing on 10.03.2014 when nobody was present. The case being very old is taken up on merits.

I have gone through the file and the copy of impugned mutation. The surat -e-Sabiqa of mutation no. 870 shows that the land measuring 58k-10 M falling in village Sunjwan under Khasra no. 1531min is recorded as the ownership and occupation of State. There is no reference regarding the possession of respondents on such piece of land in the impugned mutation. The course adopted by the mutating officer for ejection of the respondents from the land in question is not proper and is not in tune with law. The mating officer should have proceeded under section 133 of the land revenue act 1996 BK or in alternate as the land falls within 16 KM radius of Purani Mandi, reference of the matter should have been made to estates officer under public premises [eviction of unauthorized occupants] Act for appropriate action. Under such circumstances, the impugned order does not stand in the eyes of law and needs to be set-aside. There is no infirmity in the reference made by the court below.

The reference is , therefore, accepted and order passed on mutation no. 870 dated 18.7.1976 of village Sunjwan is set aside. The position as obtained before attestation of this mutation is restored. Tehsildar concerned is directed to locate the name of the Patwari and the attesting officer and inform this court so that action can be initiated against them. Interim order if any is vacated. File shall go to records after due completion.

sd/

Dr. M. S. Sood, IAS
Jt. Financial Commissioner (AR)

Announced:
13 .03.2014

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