

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

FILE NO.
527/FC-AP

DATE OF INSTITUTION
12.11.2008

DATE OF DECISION
28.05.2015

1) TARJEET SINGH S/O CHARAN SINGH R/O VILLAGE AMBARAN, TEHSIL AKHNOOR, DISTRICT JAMMU.

VERSUS

1) THE DIVISIONAL COMMISSIONER, JAMMU;
2) THE CUSTODIAN EVACUEE PROPERTY, JAMMU.

(RESPONDENT)

In the matter of:

**Revision against the order dated 27.10.2007 passed by
the Divisional Commissioner, Jammu, with the prayer
to set aside the same.**

For Petitioner --- Advocate Dara Singh
For Respondent No. 2 --- Nemo

J U D G E M E N T

1) The present controversy pertains to the land falling under khasra numbers 105, 173, 210, 407, 1248, 1354, 1469, 1474 and 1478 in village Ambaran, Tehsil Akhnoor, District Jammu. One Ajeet Singh S/O Kantha Singh was shown as an occupancy tenant under Sec. 3-A of the Agrarian Reforms Act, 1976. After the death of the said Ajeet Singh, the Tehsildar Akhnoor attested the mutation No. 1514 dated 26.02.1996 whereby the inheritance of the *propositus* was devolved upon his son Tarjeet Singh, petitioner herein.

- 2) Aggrieved, the Custodian Evacuee Property, Jammu challenged the mutation no. 1514 dated 26.02.1996 in revision before the Divisional Commissioner, Jammu. The crux of observations made by the court below was that the petitioner herein was neither allotted the land in question under the Cabinet Order No. 578-C nor has he claimed to be an allottee of the said land. Sec. 3-A of the Agrarian Reforms Act, 1976 can be invoked where the land is allotted to an occupant under the aforesaid Cabinet Order. The whole case of the petitioner is that he being in cultivating possession of the land, the Tehsildar was justified in attesting the mutation of inheritance in his favour. It was further pointed out by the said court that the petitioner herein has failed to place anything on record which could show that he was a displaced person of 1947 or 1971. Therefore, the Tehsildar concerned had no occasion to attest the impugned mutation.
- 3) Taking a serious note of the connivance of the revenue staff who were responsible for the attestation of the impugned mutation, the court below directed the Deputy Commissioner, Jammu to conduct an enquiry and submit his report within a period of three months. If found affirmative, it was further directed that an FIR shall be lodged in the matter. Having considered the above stated facts and circumstances into consideration, the court below allowed the revision petition and a fine of Rs. 5000/- (Rupees Five Thousand only) was imposed upon the petitioner herein.
- 4) Without a doubt, the observations made by the court below regarding the allotment of land to the petitioner and conferment of any right under Sec. 3-A of the Agrarian Reforms Act, 1976 are right and logical. The petitioner herein has not provided any record which may show that the land under consideration was either allotted to him or to his father. He has failed to prove his case despite the serious allegations made against him by the court below.
- 5) For the reasons aforesaid and after a careful reflection over the matter, the revision petition is dismissed and the impugned order is upheld. The impugned mutation No. 1514 dated 26.02.1996 is also set aside. The case is remanded to the Tehsildar concerned for a **de novo** enquiry into the matter and for taking further appropriate necessary action. The Tehsildar

concerned shall fix the responsibility and take further action as already directed by the Divisional Commissioner, Jammu so that the erring officials may be taken to task. 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 **28th day
of May, 2015** under my hand and Seal
of this Court.