

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 27/2024
CM(58/2024)

Taj Ud Din Deedad.

...Petitioner(s)

Through: Mr. Arfat Rashid Lone, Advocate.

Vs.

Union Territory of J&K and Others.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
12.01.2024

Respondent no. 4-Ghulam Mohi-ud-din Jangal came to approach the Commissioner Agrarian Reforms (Additional Deputy Commissioner) Handwara with two time barred appeals to challenge a mutation no. 535 dated 15th December, 1987 and a mutation no. 631 dated 11th July, 1991 attested with respect to 2 kanals of land comprising in khasra no. 116 min situate in village Magam Tehsil Handwara. These two appeals were instituted on 22nd December, 2020.

The Commissioner Agrarian Reforms (Additional Deputy Commissioner), Handwara by virtue of impugned order dated 29.12.2023 has not only condoned the delay but also simultaneously allowed the appeals by setting aside the mutation no. 631 attested under section 8 of the Agrarian Reforms Act, 1976 and partially setting aside the mutation no. 535 by remanding the matter to the Tehsildar concerned for conducting *de novo* inquiry.

Before coming into operation of the Jammu & Kashmir Reorganization Act, 2019, against a final order passed by the Commissioner Agrarian Reforms under the Agrarian Reforms Act, 1976, an aggrieved party had the option of approaching the Jammu & Kashmir Special Tribunal with a revision but post J&K Reorganization Act, 2019, section 21 of the

Agrarian Reforms Act, 1976, has been amended whereby the remedy of revision has been omitted and as such that leaves an aggrieved person as the petitioner in the present case is, no other forum but to seek judicial review of the adjudication so made by the quasi judicial authority that being the Commissioner Agrarian Reforms (Additional Deputy Commissioner) Handwara, through the medium of the writ petition under article 226 of the Constitution of India.

Prima facie case made out.

Issue notice to the respondents.

Petitioner to furnish registered postal covers within a period of seven days whereupon the Registrar Judicial, Srinagar to issue notice to the respondents.

List on 29th April, 2024.

In the meantime, the operation of impugned order dated 29.12.2023 shall remain stayed. This order is, however, subject to objections from the other side and till the next date of hearing.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
12.01.2024
“Hamid”