HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP(C) No. 1015/2023
CM No. 2414/2023

Paramjeet Singh and others …..Petitioner(s)

Through: Mr. Surinder Singh, Advocate

Vs

UT of J&K and others …..Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
28.04.2023

The petitioners are invoking the writ jurisdiction of this Court under article 226 of the Constitution of India to challenge the adjudication carried out under the provisions of the Land Revenue Act, Svt. 1996 at the end of the respondent no. 2 – Financial Commissioner Revenue, UT of J&K. The respondent no. 3 – Divisional Commissioner, Jammu in a revision on file no. 16/Revision 2016-17 instituted on 26.04.2017 by the petitioners against an order dated 14.03.2017 passed by the Assistant Commissioner (Revenue), Jammu in an appeal against mutation no. 3235 dated 14.06.2007 came to refer the matter to the Financial Commissioner, Revenue with a reference to revise the order dated 14.03.2017 passed by the Assistant Commissioner (Revenue), Jammu against mutation no. 3235 dated 14.06.2007 attested by the Naib Tehsildar. This reference came to be declined by the respondent no. 2 – Financial Commissioner Revenue, J&K in terms of an order dated 19.07.2022.

The petitioners feeling aggrieved of the rejection of the said reference came to file a review petition before the respondent no. 2 – Financial Commissioner (Revenue), J&K on 09.09.2022 on file no. 1168/FC-AP which too came to be rejected in terms of an order dated 24.12.2022.

It is against the aforesaid two orders of the Financial Commissioner (Revenue) J&K that the petitioners have come up before this Court in the present writ petition seeking writ of certiorari for quashment of the same. The very fact that the respondent no. 3 – Divisional Commissioner, Jammu had made a reference on the premise that the revenue officials attesting the mutation no. 3235 dated 14.06.2007 and the Assistant Commissioner (Revenue), Jammu while deciding the appeal in terms of an order dated 14.03.2017, had ignored clear finding given by the Financial Commissioner (Revenue), J&K on 29.07.2015 whereby the order of the Deputy Commissioner, Jammu and that of Additional Commissioner with power of the Divisional commissioner, Jammu were upheld.

Prima facie case is made out.

Issue notice to the respondents.

Send for the record of file no. 1168/FC-AP titled *"Paramjit Singh and others Vs Harjeet Singh"* instituted on 09.09.2022 & decided on 24.12.2022 read with file no. 84S/FC-AP titled *"Paramjit Singh and others Vs Harjeet Singh"* instituted on 13.12.2017 & decided on 19.07.2022 from the office of the Financial Commissioner (Revenue), J&K.

In the meantime, operation of the impugned orders dated 19.07.2022 and 24.12.2022 shall remain stayed till next date of hearing before the Bench. This direction is, however, subject to objections from the other side.

List this case on 05.06.2023.

(Rahul Bharti)
Judge

Jammu
28.04.2023
Muneesh