

**Before Shaleen Kabra, IAS Financial Commissioner (Revenue)/  
Commissioner Agrarian Reforms, J&K.**

**File No.** 1055/FC-AP                      **Date of Institution** 09.12.2020                      **Date of Decision** 02.06.2022

**In case titled:**

Punnu, age: 80 years, S/o Late Sh. Rama, R/o Village Balli, Tehsil and District Udhampur, J&K UT.                      (...Petitioner)

Versus

1. Divisional Commissioner Jammu.
2. Deputy Commissioner Udhampur.
3. Tehsildar Udhampur
4. Girdawar Baili, Tehsil & District Udhampur J&K UT.
5. Patwari of Patwar Halqua Baili, Tehsil & District Udhampur J&K UT.                      (...Respondents)

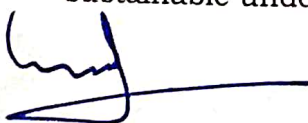
**In the matter of:** Revision Petition U/S 15 of Land Revenue Act against the entry made by the Respondent No. 5 i.e. Patwari of Patwar Halqua Baili, Tehsil & District Udhampur J&K UT on 06.02.2016 by virtue of which the Petitioner has been dispossessed from the landed property measuring 07 Kanal 19 Marlas comprising under Khasra No. 132 min (old) corresponding with new Khasra No. 274 situated at village Baili Tehsil & District Udhampur J&K UT. Prayer for directing the Respondents No. 1 to 3 for quashing this impugned entry with the further direction to the respondents to enter the name of the petitioner in the Girdawari register after every six months (both in Rabi and Kharief of the year) as the owner of the said landed property i.e. 7 Kanal 19 Marlas.

**Present:**

1. Advocate Ajay Kumar for petitioner.
2. Assistant Revenue Attorney with Divisional Commissioner Jammu for respondents.

**ORDER**

1. The petitioner lays claim to state land measuring 07K-19M comprising Khasra No. 132 (old), 274 (new) of estate Baili, Tehsil Udhampur by pleading that the land in question continues to be in his cultivating possession from the time of his fore-fathers and was allotted to him by the Deputy Commissioner in 1970. The entry reflected in the revenue records in the name of the petitioner has been expunged on 06.02.2016 by the patwari, of which quashment the petitioner is aggrieved and has challenged the same in the instant Revision petition.
2. The petitioner pleads that he was not heard and he being an allottee of 1970, the expunging of entry recorded in his favour from decade in erroneous and not sustainable under law. The competence of the patwari to make such an entry is



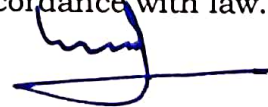
also questioned. A prayer has been made to quash the impugned entry and also to enter the name of the petitioner in the Girdawari register as the owner of the said landed property.

3. Perusal of the records shows that the entry recorded by the patwari on 06.02.2016, whereunder the name of the petitioner has been removed from the revenue records, is pursuant to the directions of the Divisional Commissioner / Deputy Commissioner and the Tehsildar concerned, so it cannot be said that the patwari on his own has made the impugned entry.
4. The other contention of the petitioner that the land in question has been allotted to him in 1970, is not supported by any documentary evidence as no allotment order has been placed on record. The revenue extracts referred to by the petitioner in his pleadings showing the petitioner as an allottee is also not based on facts as the word "Tasavur allotment" is used in Jamabandi 1971 and in Khasra Girdawari 1970, which means that there is only presumption of allotment and no formal allotment in the name of the petitioner.
5. Otherwise also, the petitioner on 7<sup>th</sup> of July, 1970 has moved an application before the Deputy Commissioner concerned for allotment of state land in his favour by projecting himself as "landless" but the report of the then patwari dated 08.09.1970, shows that the father of the applicant as owner of proprietary land measuring 13K-11M. It is relevant to mention here that there was a provision in section 6 of the Common Lands Act, 1956 (repealed now), whereunder, the collector was competent to allot land to a person belonging to a weaker section of the society and the person belonging to a weaker section as defined in explanation to proviso to section 6 (4) of the said Act, means the person who does not own either in his own name or in the name of any of dependant family member any site of building or built up house in the village. On this count too, one of the family members i.e. the father of the petitioner being recorded as an owner of land, the petitioner cannot be said to be a person belonging to a weaker section of the society.
6. Thus, for the aforementioned reasons, the Revision petition being devoid of any merit is dismissed.
7. Interim Orders, if any, issued are vacated. A copy of this order be forwarded to Deputy Commissioner concerned, who shall ensure the retrieval of the stateland and its preservation, if not retrieved yet, in accordance with law.

Announced

02-6-2022

NO: - 277 / FC - AP



Shaleen Kabra IAS  
Financial Commissioner Revenue  
J&K

1.7.11.