

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

File No.	Date of Institution	Date of Decision
1016/FC-AP	22.01.2020	02.06.2022

In case titled:

Zahida Parveen Khan W/o Late Qammar-Ud-Din Khan, R/o Ward No. 07, Umar Colony, near Masjid Sidhra, Jammu age 62 years. **(...Petitioner)**

Versus

1. Mr. Imran Niak, Tehsildar Bahu, District Jammu.
2. Mr. Iqbal Zargar, Niab Tehsildar, Bahu, District Jammu.
3. Mr. Imran Khan, Patwari Halqua Sunjawan, Tehsil Bahu, District Jammu. **(...Respondents)**

In the matter of:

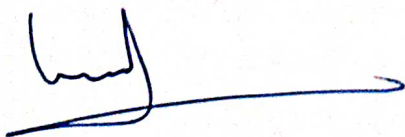
A Revision petition against the order of Niab Tehsildar Bahu dated 15.10.2019 passed on mutation No. 3600/Jeem of village Sunjawan, Tehsil Bahu, District Jammu and Order dated 14.10.2019 passed by Tehsildar Bahu, District Jammu granting the permission to review the order dated 05.10.2019 passed by Niab Tehsildar Bahu on mutation No. 3600/Jeem and report of patwari dated 08.10.2019 submitted to the Niab Tehsildar, Bahu for setting aside the same.

Present:

1. Advocate Rajinder Singh Kotwal & Associates for petitioner.
2. Assistant Revenue Attorney on behalf of respondents.

ORDER

1. A quantum of land measuring 01 Kanal covered under Khasra No. 600 min of estate Sunjwan, Tehsil Bahu came to be mutated in the name of the petitioner herein through mutation no. 3600 / Jeem dated 05.10.2019 on the basis of a registered memorandum of settlement. The said mutation was attested by the Naib Tehsildar concerned. However, subsequently the said Naib Tehsildar reviewed his own order and set aside the mutation vide order dated 15.10.2019. Aggrieved, the petitioner has challenged this order dated 15.10.2019 in the present Revision petition.



2. After completing the service of the parties, the matter was argued by Ld. Counsel for the petitioner and the respondents filed their written replies.
3. Ld. Counsel for the petitioner in his arguments pleaded that there was no reason for review, which can only be done when there is an error of fact apparent on the face of the record or where there is any discovery of new and certain matters or the like. It is also said that the order under challenge is bad in law as no opportunity of being heard has been given to the petitioner. Ld. Counsel in support of his arguments put reliance on the judgments of Hon'ble High Court of J&K in cases, Bhagat Parshotam Das V/s Financial Commissioner & Ors. (writ petition no. 1012 of 1985 decided on 29.09.1987) and Tej Ram V/s Custodian General and Ors (writ petition no. 02 of 1965 decided on 07.04.1966). Ld. Counsel further pleaded that the mutation in favour of the petitioner was attested on the basis of a registered document which till date has not been put to challenge by anybody and so there was no dispute as referred to by the respondents herein in their replies.
4. Respondents, who in fact are the official respondents, state that after discovery of dispute with regard to land in question on spot, the mutation attested in favour of the petitioner was reviewed and set aside strictly in accordance with law.
5. Heard.
6. As is seen from the records that the mutation in favour of the petitioner was attested on 05.10.2019, which subsequently has been reviewed on 15.10.2019, without even a notice to the affected party, thus clearly in violation of section 13 of J&K Land Revenue Act, relevant para of which is reproduced as under:-



“An order shall not be modified or reversed unless a reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order”.

7. On this sole ground, the present Revision petition is accepted, the order impugned is set aside and the orders passed on mutation no. 3600/jeem are upheld. The aggrieved party, if any, is required to challenge the memorandum of settlement, which is a registered document on the basis of which mutation under discussion has been allotted.
8. Interim Orders, if any, issued by this court are vacated. File to be consigned to records after due completion.

Announced

09.6.2022



Shaleen Kabra (IAS)
Financial Commissioner, Revenue
J&K