

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

File No.
787/FC-AP

Date of Institution
25.09.2019

Date of Decision
04.05.2022

In case titled:

1. Thoru Ram S/o Sham Lal R/o Kalyana Tehsil R.S. Pura Jammu.

(....Petitioner)

Versus

1. Shanti
2. Sunil
3. Sonu all sons of Tilak Raj
4. Anil Kumar
5. Rajesh Kumar
6. Sanjeev Kumar all sons of Ajit Raj R/o Viaspur Parla Tehsil R.S. Pura District
Jammu.

(..Respondents)

In the matter of: Revision against the impugned order dated 30.08.2019, passed by Collector Deputy Commissioner, Jammu which is not in consonance with facts and law.

Present:

1. Advocate Sh. Dara Singh for petitioner.
2. Advocate G.C Sharma for respondents

ORDER

As is gathered from the memo of Revision petition, matter under LB-7 of 1958 is pending before Assistant Custodian, Tehsildar R.S. Pura (now Tehsildar Chakroie), transfer of which was sought by the petitioner herein from the said court to any other court by moving a transfer application before Collector (Deputy Commissioner) Jammu. The latter vide order dated 30.08.2019 disposed of the said application by directing the petitioner to file an appeal. Aggrieved, the petitioner has assailed this order of Deputy Commissioner in the present revision petition by pleading that the order has been passed without summoning the respondents and calling the record from the trial courts, and no reason whatsoever has been given by the Deputy Commissioner.

2. The other side was summoned by this court, who caused presence through their counsel.

3. The matter was taken up for arguments and both the counsels prayed for disposal of the case by seeking a direction to the Tehsildar concerned for disposal of the matter pending before him in a time bound manner.



4. The petitioner prior to the filing of instant Revision petition had approached the court of Custodian Evacuee Jammu against the same matter but the said court, citing lack of jurisdiction, dismissed the case. The petitioner also approached the Deputy Commissioner (Collector) Jammu seeking transfer of the case from the court of Tehsildar to any other court, but the Deputy Commissioner directed the petitioner to prefer an appeal. No reason, whatsoever has been given by the Deputy Commissioner in the impugned order and thus being a non-speaking is liable to be set aside. It is to mention here that the Deputy Commissioner otherwise also is competent to transfer the case from the court of Tehsildar to any other court subordinate to him.

5. Even though the petitioner has approached different forums, but the main issue still continues to be pending before the Tehsildar, which is required to be disposed off expeditiously. Otherwise also the Tehsildar from whose court transfer of the case was sought by the petitioner has been transferred and on this count too the transfer application having become infructuous has lost relevance.

6. Thus, for the reasons mentioned herein above, the revision petition is accepted, the order of Deputy Commissioner is set aside. Tehsildar concerned is directed to dispose of the matter pending before him expeditiously, preferably within three months from the date of issue of this order as prayed for by both the parties after providing all concerned a reasonable opportunity of being heard. The parties to appear before the Tehsildar on 30.05.2022.

7. Interim orders, if any, shall be operative till 30.05.2022. File to be consigned to records after due completion.

Announced

04-5-2022



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