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

File No.

670/FC/ARC/AP

Date of Institution

21.11.2019

Date of Decision

16-02-2021

In the case of:

1. Mohd Sadeeq S/o Roshan Din.
2. Mohd Rashid S/o Roshan Din.
3. Mohd Latief S/o Roshan Din residents of village Hamuta Gursai, Tehsil Mendhar, Distt. Poonch.

....Applicants.

Versus

1. Additional Deputy Commissioner, (with powers of Commissioner Agr. Ref.) Poonch.
2. Mohd Riaz
3. Mumtaz Ahmed
4. Fiaz ahmed sons of Abdul Latief residents of Hamuta Gursai, Tehsil Mendhar, District Poonch.
5. Mohd Jameel S/o Hans R/o Harmuta Gursai, Tehsil Mendhar, District Poonch

..... Non-Applicants.

In the matter of:

Application for transfer of case of appeal against the mutation no. 1976 dated 15.08.2015 attested by Tehsildar Mendhar pertaining to land bearing Khasra no. 1698 measuring 3 kanal 12 marlas situated at Gursai, Tehsil Mendhar in favour of non-applicants in appeal titled Mohd Sadeeq & Ors. V/S Mohd Raiz and Ors. pending in the Court of Additional Deputy Commissioner Poonch to any other Court.

And

In the matter of:

Application for transfer of cases of appeal titled Mohd sadeeq & Ors. V/S Mohd Riaz & Ors. pending in the Court of Additional Deputy Commissioner, Poonch to any other Court of competent jurisdiction against the judgment and decree of adverse possession passed by Assistant Collector Revenue, (with powers of Collector), Poonch in File no. 136 titled Mohd Riaz V/S Mohd Jameel pertaining to land bearing Khasra no. 1698 3 kanal 12 marlas situated at Gursai, Tehsil Mendhar.

ORDER

16.02.21. Although the order on instant transfer application was announced in open Court 02.12.20 but due to the pre-occupation of the Presiding officer of the Court, same could not be finalized. Hence the matter is being taken up today for disposal. Counsel for both the parties present. Counsel for the applicants has filed

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two applications seeking transfer of appeals from the Court of Additional Deputy Commissioner, Poonch . Today, in the open court, the counsel for the applicants submitted that the presiding officer of the court from whom transfer is sought, has got transferred and a fresh incumbent has joined. In this connection, when contacted, the office of Deputy Commissioner, Poonch confirmed the transfer of Additional Deputy Commissioner and posting of new incumbent in the month of October, 2020.

2. Thus, for the reason that a fresh incumbent has joined as Additional Deputy Commissioner, Poonch after the transfer of presiding officer against whom the allegation of bias was leveled, **the applications** seeking **transfer** of the appeals from the Court of Additional Deputy Commissioner, Poonch are dismissed as having become **infructuous**.
3. Both the parties shall appear before the Additional Deputy Commissioner, Poonch on 02.03.21 and the said Court shall immediately initiate proceedings in the matter and the parties shall be deemed to have been served and needn't to be summoned again in view of the fact that the appeals in the matter are pending in the said Court right from 2016 and both the parties have caused their appearance. The Court below shall also ensure that both the appeals are disposed of expeditiously in a time bound manner.
4. Interim orders, if any, passed in the matter stand vacated.
5. File shall be relegated to records after due completion.

Announced
16-2-2021


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