

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

**File No.**  
793/FC-AP  
(B)

**Date of Institution**  
13-11-2019

**Date of Decision**  
16-03-2022

Ajit Singh S/o Kartar Singh R/o Gho Manhasan Kothey, Tehsil and District  
District Samba.

.....**Petitioner**

**V/s**

1. Ajmer Singh
2. Baldev Raj sons of Lt Nepal Singh
3. Smt. Nirmla Dei W/o Lt. Nepal Singh R/o Kalu Chak, Tehsil and District  
Jammu.

.....**Respondents**

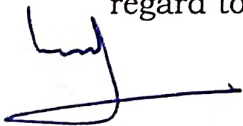
**Present :-** 1. Adv. R.P. Sharma for petitioner.  
2. Adv. Keshav Chander Gupta for respondents.

In the Matter of:

Revision against the order dated 25-03-2019 read with  
order dated 06-02-2017 passed by Commissioner  
Survey and Land Records (Ex-Officio Settlement  
Commissioner) J&K, Jammu whereby the matter has  
been directed to be adjourned sine-die till the decision  
of civil court.

**ORDER**

The petitioner herein had preferred an appeal before Commissioner  
Survey and Land Records against mutation no. 820 dated 27.11.2009  
attested under Section 121 of Land Revenue Act pertaining to land  
measuring 12 marlas covered under khasra No. 162 of estate Chak Kalu  
Tehsil and District Jammu. However, Commissioner Survey and Land  
Records vide order dated 25.03.2019 read with order dated 06.02.2017  
has kept the appeal in abeyance for the reason that a civil suit with  
regard to same land is pending adjudication before the court of 2nd Adl.



Munsiff Jammu and a Status quo order has been issued by the said court. Aggrieved, the petitioner has assailed these orders of Commissioner Survey and Land Records by way of present Revision Petition.

2. After completing the attendance of the parties, both sides through their respective counsels argued the matter. Ld. Counsel for the petitioner reiterated the pleas raised by him in his revision petition and argued that the matter before the civil court is a suit for Permanent Prohibitory Injunction which has nothing to do with the appeal against mutation attested U/s 121 of Land Revenue Act. It is also said that Land Revenue Act is a self contained Act laying down the authorities of Appeal and Revision and with regard to the matters falling under the said Act, the jurisdiction of the Civil Court is expressly barred. A prayer has been made to set aside the impugned orders and a direction given to the court below to hear the appeal on merits.
3. Ld. Counsel for the Respondents on the other hand in his arguments questioned the jurisdiction of this court by stating that there is no provision of Revision available under section 121 of Land Revenue Act and the orders of the court below are binding on the parties till set aside by a decree of the civil court.
4. Heard.
5. Before proceeding further in the matter, it will be relevant to place on record, Sec. 121 of Land Revenue Act Svt 1996.

### **Sec. 121**

*"If, in the course of record-of-rights or of revision of the record-of-rights in any local area in pursuance of notification issued under section 22, any question of title arises it will be summarily decided [ by the collector of the first class whose jurisdiction, subject to such orders as may be passed in appeal by the Divisional Commissioner shall be binding] on the parties till it is set aside by a decree of the civil court.*

*When such a decree is made, the record-of-rights shall be corrected, if necessary in accordance therewith, or an application to the (collector) within whose jurisdiction the property affected is situate".*

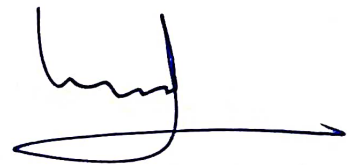
From the plain reading of the above said statutory provision, it is abundantly clear that the orders passed in appeal under section 121 are binding on the parties till set aside by a decree of civil court, but in the instant case, the Appellate authority has not passed any final orders yet and thus the contention of Ld. Counsel for the respondents that this court lacks jurisdiction and revision will not lie is misinterpretation of section 121. Otherwise also, the Financial Commissioner, Revenue has

unfettered powers u/s 15 of Land Revenue Act and also the supervisory jurisdiction to be exercised over subordinate Revenue Officers.

6. It is also worthwhile to mention here that the petitioner in his suit for Permanent Prohibitory Injunction filed before the Court of 2<sup>nd</sup> Addl. Munsiff, Jammu has made a mention of having approached the revenue authorities for cancellation of mutation attested under sec. 121. The said court has only directed the parties to maintain status quo on spot and Revenue authorities have not been restrained from exercising their jurisdiction.
7. Thus, for the reasons, mentioned herein above, the Revision Petition is accepted and the orders impugned are set aside with a direction to Commissioner Survey and Land Records to hear the appeal on its merits and dispose of the same in accordance with law.

**Announced**

16.03.2022



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