

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

File No:
737/FC-AP

Date of Institution
04.02.2019

Date of Decision
31.03.2022

Parshotam Singh (Dead) through LR Avneet Raina aged 53 years D/o Late Sh. Parhotam Singh, R/o House No. 87, Bakshi Nagar Jammu 180001.

(..Petitioner)

Versus

1. Gurcharan Singh
2. Parveen Singh both sons of Late Kirtan Singh
3. Manjeet Kour
4. Devinder Kour both daughters of Late Kirtan Singh
5. Sardarni Amrit Kour W/o Late Kirtan Singh
All residents of Ward No. 01 Bhour Camp, Jammu.
6. J&K Heritage Resorts (P) Ltd. 42/C/C Gandhi Nagar, Jammu.
7. Chander Prakesh Gupta S/o Late Om Prakash Gupta R/o 59 A/D, Gandhi Nagar, Jammu.
8. R.P Sharma, then Patwar Halqa / 2 through Deputy Commissioner Jammu.

(..Respondents)

In the matter of: Revision Petition against the mutation No. 66/1 of village Rakh Raipur, Tehsil Jammu dated 22.04.1993 with regard to land comprised under Khasra No. 205 min (old) and 320/2 (new) measuring 16 Kanal attested by Assistant Commissioner (Revenue) Collector Agrarian Reforms Jammu.

Present:

1. **Advocate K.S. Puri for petitioner.**
2. **Advocate A. K Lahori for respondents.**

ORDER

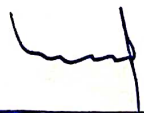
1. A brief resume of the case in hand is that Mutation No. 66/1 dated 22.04.1993 of estate Rakh Raipur Tehsil Jammu came to be challenged by the petitioner by way of a Revision petition before Settlement Commissioner (Commissioner Survey and Land Records) who vide order dated 08.12.2006 referred the matter to this court with the recommendation to set aside the said mutation. One Sudershan Singh S/o Rajinder Singh had been arrayed as respondent in the said petition. This court vide order dated 14.11.2007 rejected the reference of Settlement Commissioner in view of the fact that the petitioner's counsel had

conceded that respondent had been wrongly arrayed as a party. A review petition against the order dated 14.11.2007 was filed before this court by arraying the issues of Kirtan Singh (Respondents 1 and 2 herein) and Respondent 07 as party respondents, who were not parties in the petition decided by this court on 14.11.2007. The review petition has to be filed by arraying the same parties who were figuring in the order sought to be reviewed. However, this aspect was not looked into in view of the withdrawal of the review petition, allowed by this court vide order dated 02.01.2019.

2. The petitioner has now filed a fresh revision petition by arraying the issues of Kirtan Singh, the J and K Heritage Resorts and also the patwari concerned as party respondents, who never were a party in earlier litigation and it is the first ever time that the parties to the present revision petition are contesting mutation 66/1 dated 22.04.1993.
3. The order impugned has been passed by Assistant Commissioner (Revenue) who is an Assistant Collector 1st Class and as provided under Section - 11 of the Land Revenue Act, it is appellable before the Collector. Although section-15 gives extensive, wide and unfettered powers to Financial Commissioner (Revenue) to set right an illegality and even cognizance can be taken *suo moto* but the object of the said provision is to exercise these powers in such a way that the appellate or other revisional forums detailed under Section - 11 and 15 of Land Revenue Act do not become redundant and also the litigants do not get deprived of availing the remedy available before such forums.
4. Thus, when an efficacious remedy by way of an appeal is available to the petitioner, the revisional jurisdiction of this court cannot be invoked directly.
5. Thus, for the above reasons, the revision petition is dismissed, however, this will not debar the petitioner to approach the appropriate appellate forum.
6. Interim Orders, if any, issued by this court are vacated.

Announced

31.3.2022.


Shaleen Kabra, 31/3/22
Financial Commissioner Revenue
J&K