

BEFORE DR. M.S. SOOD, IAS; JOINT FINANCIAL COMMISSIONER
JAMMU AND KASHMIR AT SRINAGAR.

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File No: /Jt.FC-AP: 171/JFC/AP

Date of Institution: 21.09.2012

Date of Decision: 02.06.2014

In the case of: 1) Hassan Wani S/O Abdullah Wani
2) Ahad Wani S/O Naba Wani
R's/O Kenigam Kandi, Tehsil Pulwama.
(Petitioners)

V E R S U S

(1) Sona Wani (2) Mohammad Muzaffer Wani
sons (3) Mst. Ashi Wd/O Late Aziz Wani R's/O
Kanigam Kandi Tehsil Pulwama (4) Mst. Haneefa
Wd/O Wahab Bhat R/O Shankarpora, Budgam (5)
Mst. Nigeena W/O Abdul Hamid R/O Drubgam
Pulwama (6) Mst. Afrooza W/O Abdul Rashid Mir
R/O Putrigam, Pulwama No. 4,5, and 6 D's/O
Late Aziz Wani.

(Respondents)

In the matter of: Review petition in terms of Section 13 of J&K
Land Revenue Act against order dated
13.09.2012 in revision petition titled "Hassan
Wani V/S Aziz Wani" alongwith order dated
11.12.2006 passed by the Asstt. Commissioner
(Revenue), Pulwama.

Appearing Counsels: 1) Haji H.R. Salati, for Petitioner.
2) Mr. S.M.Yaseen, for Respondent No.1.

O R D E R

A revision petition was filed before this court against the order dated 11.12.2006 passed by the Asstt. Commissioner (Revenue) Pulwama who vide his order had directed the Tehsildar, Pulwama to handover the landed property measuring 02 Kanal-18 Marlas to the Respondent after disposing of the petition. After hearing the parties, a final order was passed by this court whereby the revision petition filed by the petitioner was rejected and the order of Asstt. Commissioner (Revenue), Collector, Agrarian Reforms was upheld. Aggrieved of the said order, the petitioner herein has filed a review petition and prayed for setting aside the order passed by this court in the main revision.

- 2) After presentation of the instant review petition, the otherside was summoned. Respondent No. 1 caused his presence through counsel while as rest of the respondents were present in person. During the pendency of matter, petitioner reported that the respondent No. 3 has expired and submitted that since her legal heirs have already been arrayed as party respondents, her name be deleted from the array of parties. In view of circumstances and factual position, the motion is accepted.
- 3) The Id. Counsels for the parties were directed to file written arguments. In response the respondents authorized respondent No. 1 Sona Wani (by virtue of general power of attorney duly notarized) who filed the reply to petition of review petition and prayed for setting aside the order passed by this court in main revision petition. The statements of the respondents in presence of witness have been recorded to such effect.
- 4) Since the respondents and petitioner No. 1 have admitted in their reply submitted before this court that petitioner No. 2, Ahad Wani is legitimate owner and possessor of land in question, therefore there is no LIS before this court to adjudicate upon.
- 5) The submissions of respondents and petitioner No. 1 are accepted and the review petition is accepted. Accordingly, the order passed by this court in the main petition alongwith the order of Asstt. Commissioner (Revenue) Pulwama are set aside. Interim direction, if any, passed is vacated. File of this court be consigned to records after due completion.

Announced:
02.06.2014

sd/-
(Dr. M.S. Sood) IAS
Joint Financial Commissioner