



सत्यमेव जयते

File No.
31/Appeal
2018-19

In the Court of Additional Commissioner, Jammu
(With the powers of Divisional Commissioner)
(Rail Head Complex, Jammu)

(0191-2478991, 2478999, Fax-2478997, e-mail: divcomjammu@gmail.com)

Date of Institution
27.10.2018

Date of Decision
18.05.2022

1. Joginder Pal Gandhi
2. Onkar Nath Gandhi
3. Kuldeep Raj Gandhi
4. Rattan Chand Gandhi
All sons of Late Sarwan Dass
5. Neeraj Gandhi S/o Late Sansar Chand Gandhi
All residents of Village Kote, Tehsil Bhalwal District Jammu.

..... Appellants

Versus

1. Mandha S/o Maani Gujjar R/o Village Kote Tehsil Bhalwal District Jammu.
2. Karan Singh
3. Rattan Singh
Both sons of late Sansaru Bhalwal R/o Garhi (Purkhoo) Tehsil Bhalwal District Jammu.

....Respondents

In the matter of :-

Appeal against the Mutation No. 1665/Zeem dated 18.07.2011 attested in terms of Section 121 of the Land Revenue Act, 1976 Bikrami in favour of the respondent No. 1 Mandha S/o Manni Gujjar with regard to land falling under Khasra No. 2157 measuring 18 kanal and Khasra No. 2158 measuring 12 Kanal 02 Marla total land measuring 30 Kanal 02 Marla situated at Village Kote Tehsil Bhalwal District Jammu and for setting aside the same.

ORDER

The present appeal has been filed against the Mutation No. 1665/Zeem dated 18.07.2011 attested in terms of Section 121 of the Land Revenue Act, 1976 Bikrami in favour of the respondent No. 1 Mandha S/o Manni Gujjar with regard to land falling under Khasra No. 2157 measuring 18 kanal and Khasra No. 2158 measuring 12 Kanal 02 Marla total land measuring 30 Kanal 02 Marla situated at Village Kote Tehsil Bhalwal District Jammu. During the pendency of the case before this court the

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Reader to
Additional Commissioner
Jammu

respondent No. 1 namely Mandha has died and the application for bringing his legal representatives on record which is pending adjudication. However, Ld. Counsel for the respondents raised the issue of jurisdiction of this court to hear the present appeal. He has filed the copy of the SRO No. 417 dated 18.12.2012 wherein powers for hearing the appeals in respect of tracts declared for Settlement operations of District Jammu have been vested with the Settlement Commissioner Jammu & Kashmir and submitted that this court lacks jurisdiction to adjudicate the present appeal. The Ld. Counsel for the appellants pleaded that the case has been filed before this court in ignorance of SRO-417 dated 18.12.2012 and requested that the present appeal may in the interest of justice be transferred to the competent forum i.e. the court of Ld. Settlement Commissioner, Jammu and Kashmir. This court verified the factum of pleadings with reference to the SRO-536 dated 03.12.1999 and SRO 417 dated 18.12.2012. As per the said SROs this court has been empowered to hear appeals in respect of Districts of Kathua, Reasi, Rajouri, Udhampur, Doda and Kishtwar only and the powers to hear the cases pertaining to District Jammu, Samba, Ramban and Poonch have been vested in the court of Settlement Commissioner Jammu and Kashmir. Since the case in hand pertains to District Jammu for which this court is not empowered to hear the cases pertaining to the tracts declared for Settlement operations.

In view of the pleadings of both the counsels and the provisions of SROs cited above the present appeal is transferred to the court of Ld. Settlement Commissioner, Jammu and Kashmir for further adjudication. The interim order if any passed by this court shall stand vacated. Parties are directed to appear before the Ld. Settlement Commissioner, Jammu and Kashmir on 07.06.2022. The case file in original alongwith this order shall be sent to Ld. Settlement Commissioner, Jammu and Kashmir for further proceedings.

Announced
18.05.2022

Sd/-
Pawan Kumar Sharma, JKAS
Additional Commissioner, Jammu
[with the powers of Divisional Commissioner]