



सत्यमेव जयते

## In the Court of Additional Commissioner, Jammu

(With the powers of Divisional Commissioner)

(Rail Head Complex, Jammu)

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1. Mohd Younis S/o Lt. Chattu R/o Jehri Kathua Tehsil and District Kathua
2. Abdul Gani S/o Lt. Chattu
3. Din Mohd S/o Lt. Chattu
4. Fareed Ahmed S/o Lt. Ghulam Ali
5. Lal Hussain S/o Lt. Ghulam Ali
6. Sadiq S/o Lt. Ghulam Ali
7. Mohd Irshad S/o Lt. Kallu R/o Maitra Govindpura, Tehsil and District Ramban
8. Shakeel Ahmed @ Kaka S/o Lt. Kallu R/o Maitra Govindpura, Tehsil and District Ramban
9. Arshad S/o Lt. Kallu R/o Maitra Govindpura, Tehsil and District Ramban

....Appellants

**Versus**

1. Mohd Yousaf S/o Abdul Samad Naik R/o Neel Tehsil Banihal District Ramban A/P Maitra Govindpura, Tehsil and District Ramban

..... Respondents

In the matter of:

An appeal against the mutation order No. 742 passed under Section 121 of Land Revenue Act dated 20-06-1996 with respect to the land underlying Khewat No. 64/29 min, Khata No. 296/192min/193 min, Bashara Khewat 01, land falling under Khasra No. 181 (old) new Khasra No. 1399 measuring 05 kanals 06 marlas, Khasra No. 179 (old) new Khasra No. 1399/1 measuring 03 kanals 02 marlas and Khasra No. 181 min (old) new Khasra No. 1400 measuring 04 kanals 17 marlas situated at Maitra Govindpura, Tehsil and District Ramban by the then Tehsildar Ramban which is against the fact and provisions of law.

### ORDER

**25.11.2021:** This case came up for hearing today. Ld. Counsel from both the sides present. Arguments on the application for condonation of delay was heard on 07.10.2021 from both the sides. Ld. Counsel for the appellants pleaded that they came to know about attestation of impugned mutation just before filing the present appeal before this court and detailed submissions have been brought on the case file for perusal of the court. He further pleaded that the mutating officer has not put the appellants to notice before attesting the impugned mutation and the same has been attested behind the back of the appellants which is unconstitutional and against the principle of natural justice. The rights of the appellants cannot be taken away in any manner contrary to the settled law. He prayed that the application for condonation of delay may be allowed and the appeal be admitted for further hearing. Similarly Ld. Counsel for the respondent pleaded that the plea taken by the Ld. Counsel for the appellants is not tenable under law as the land in question is under continuous possession of the respondent here in for years together and he is cultivating and also enjoying the usufruct of the same and has also constructed his residential house in the said land. The appellants or their predecessors – in – interest have never agitated

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the matter before any authority prior to the filing of the present appeal and prayed that the application for condonation of delay may be rejected and the appeal dismissed in the interest of Justice.

The court has heard the arguments advanced by the parties and taken cognizance of the issues raised by them. The grounds taken by the counsel for the appellants seems to be genuine and are required to be given due appreciation. Therefore, in view of the submissions made by the parties and the grounds taken by the counsel for the appellants while arguing the matter, it is ordered that the delay in filing the present appeal before this court is hereby condoned and the appeal is admitted for further hearings. Put up on due date i.e. 23.12.2021.



**Pawan Kumar Sharma, KAS**  
**Additional Commissioner, Jammu**  
[with the powers of Divisional Commissioner]