



In the Court of Additional Commissioner, Jammu

(With the powers of Divisional Commissioner)

(Rail Head Complex, Jammu)

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<u>File</u>	<u>Date of Institution</u>	<u>Date of Decision</u>
36/Revision 2020-21	09.12.2020	29.12.2021

Raj Kumari D/o Sh. Punjab Singh R/o Village Lowara Kote, Tehsil Nowshera, district Rajouri.

.... Petitioner

Versus

1. Deputy Commissioner Rajouri.
2. Tehsildar Sunderbani.
3. Naib Tehsildar Sunderbani.
4. Patwari Halqa Sunderbani.
5. Jasbir Singh S/o Sh. Chamail Singh R/o Lowara Kote, Tehsil Sunderbani District Rajouri.

.....Respondents

IN THE MATTER OF:

Revision against the mutation dated 02.12.1997 passed by respondent 2 mutation bearing khasra 174 dated 20.05.1983 passed by the respondent 2 and mutation 411 dated 07.02.1983.

ORDER

This case came up for hearing on 17.10.2021. Nobody appeared on the behalf of petitioner. ARA present for official respondents. Ld. Counsel for respondent No. 5 also present.

While arguing the matter, Ld. Counsel for respondent No. 5 pleaded that the instant case is not maintainable before this Court as the instant case involves the issue of Agrarian Reforms. ARA also stated that the present case is not maintainable before this Court on the question of jurisdiction. As stated in the memo of petition mutation No. 411 dated 07/02/1983 and mutation No. 426 dated 20.05.1983 of Village Hathal have been attested under Agrarian Reforms Act and mutation No. 174 dated 02/12/1997 of village Lohara Kote has been attested as mutation of inheritance. This Court can take cognizance of inheritance mutation dated 02.12.1997 only. But the issue involved in mutation dated 07.02.1983 and 20.05.1983 cannot be adjudicated before this Court due to lack of jurisdiction. The petitioners are not being represented before this court for the last many hearings.

Therefore, the present case is dismissed due to lack of jurisdiction. The parties are free to challenge the mutations attested under Agrarian Reforms Act, before competent forum. However the mutation of inheritance can be challenged through a separate and independent case. The delay caused and period for which proceedings has been undertaken before this Court in the present case will not come in the way in filing fresh case before competent forum under Limitation Act. The stay granted by this Court, if any, shall stand vacated and the case file be consigned to records after due completion.

Announced
29.12.2021

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

g/c website.
[Signature]