



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

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In the matter of:

1. Mohd. Imtiaz S/o Sh. Lal Hussain R/o Bhera
Tehsil Mendhar, District Poonch.

(Appellant)

Versus

1. Deputy Commissioner, Poonch.
2. Tehsildar Mendhar.

(Respondents)

In the matter of:-Appeal against the Ex-parte impugned order No.DCP/SQ/3448 dated 06.12.2019 passed by the respondent No.1 on the recommendations of respondent No.2.

ORDER

The present appeal has been transferred from the Court of Ld. Divisional Commissioner, Jammu to this court. The appellant has filed appeal against the order No.DCP/SQ/3448 dated 06-12-2019 passed by the Dy. Commissioner Poonch on the recommendations of Tehsildar Mendhar whereby the Khasra-Girdawari recorded in the name of appellant from Kharif 2013 has been set aside by the Deputy Commissioner, Poonch, with respect to custodian land measuring 09 (nine) Kanals falling under khasra No. 690 situated at Village Bhera Tehsil Mendhar District Poonch on the grounds that:-

- a) In the Jamabandi of 1971-72 and 1997-98 and in the subsequent Khasra-Girdawaris, the land in question has been shown in the possession of Defence (Maqbooza Mehkama Dafa). The land in question was vacated by the defence authorities in the year 2000. Land measuring 09 kanals was occupied by the father of the appellant in the same year, but the possession was not recorded in the revenue record. In the year 2013, the possession came to be recorded in the name of the appellant.
- b) The actual physical possession of appellant over the land measuring 09 kanals continued to be recorded in the revenue record right from kharif 2013 onwards. On 16.09.2019, the appellant filed an application for regularization of 09 kanals of land in his favour.
- c) That, some person, who wanted to encroach upon the said land, filed an anonymous complaint in the office of the Tehsildar Mendhar, who without conducting any physical verification with regard to possession of appellant over the land submitted the report to the Deputy Commissioner Poonch. The Deputy Commissioner Poonch vide his No.DCP/SQ/3448 dated 06-12-2019 directed the Tehsildar to cancel the Khasra Girdawaris recorded in the name of appellant.
- d) That, the order impugned has been passed by the respondents at the back of appellant and no inquiry has been conducted with respect to possession of appellant and the defence authorities.
- e) That the order impugned is against the standing order 22 framed under Land Revenue Act.

Rhetodh
22.3.22

The Deputy Commissioner, Poonch has passed order dated 06.12.2019 the operative part of which is reproduced as under:


".....During Khariet 2013 the Girdawar Circle concerned changed the revenue record by making an entry in favour of Mohd Imtaiz S/O Lal Hussain for an area measuring 09 Kanal in Khasra No. 690 and 10 leaving only 09 Marlas in favour of defence department. The report of field staff also reveals that Mohd Imtaiz S/o Lal Hussain has not been in physical possession of any land in this Khasra No. Therefore it is established that the alteration of revenue record in Khariet 2013 by the Girdawar Concerned is against the actual spot position this is in contravention of standing order No. 22 and subsequent circular issued from the FC (Rev) regarding change of Girdawari and subject alteration is liable to be cancelled.

Accordingly Tehsildar Mendhar is directed to cancel revenue entry in favour of Mohd Imtiaz S/O Lal Hussain and re-instate the revenue record of Khasra No. 690 for an area measuring 09 Kanal 09 Marlas in favour of defence department and furnish a compliance report, thereof within two days."

The perusal of the order sheet it transpires that neither the appellant nor his counsel is appearing in this case in many hearings. It appears that the appellant has lost interest to pursue the case. Hence appeal is dismissed in default for non-prosecution of the case and the Tehsildar concerned shall proceed in accordance with order dated 06.12.2019 passed by DC Poonch. Interim directions, if any, issued by this court stand vacated and the appeal file be consigned to record after due completion.

No:801/Addl.Com/p/2021-22/184

Dated:- 22-03-2022


Additional Commissioner, 22-03-22
(With the power of Divisional Commissioner)
Jammu

