



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

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*File No. 85/Revision (2017-18)*

1. Kali Dass S/o Makhan Lal R/o Village Kalsian, A/P Qasba Bala W.No. 2 Nowshera District Rajouri through Power of Attorney holder Sh. Mohinder Lal S/o Sita Ram R/o Village Bhawani A/P Qasba Bala W.No. 2 Nowshera District Rajouri.

**(Petitioner)**

**Versus**

1. Gopal Krishan Dutta S/o Late Sh. Dev Dutt R/o W.No. 2 Nowshera, Tehsil Nowshera District Rajouri.
2. Tehsildar Nowshera

**(Respondents)**

**In the matter of:**-Revision Petition against the mutation number 440 dated 18.01.2001 attested by Naib Tehsildar Nowshera in favour of the respondent No. 1 by which 13 marlas of land which is Gair Mumkin Pabbi in Khasra No. 125 min has been mutated in the name of respondent No. 1.

**ORDER**

The present revision petition has been transferred from the Court of Divisional Commissioner, Jammu to this court, for disposal under law. The petitioner herein above has challenged the mutation No. 440 dated 18.01.2001 attested by Naib Tehsildar Nowshera in favour of respondent No. 1.

The contention of the petitioner in the para-3&4 of the revision petition is *that adjacent to the land of the petitioner, there is piece of land measuring 9 marlas in Khasra No. 125 min adjoining to the land of the petitioner which is a water channel recorded as Gair Mumkin Pabbi and this fact is crystal clear from the perusal of the Khasra Girdawari of the year Rabi 2014. The petitioner has further submitted that the natural water of rains and other waste water of the locality also flows through this water channel/Pabbi and that 9 marlas of land is Gair Mumkin Pabbi which is water channel and in view of section 3 (1) of J&K Water Resources Act 2010, it is the property of Government and any proprietary ownership or usage right on such water resources vested in any individual or group of individuals or any other body etc from the date of commencement of the Act, be deemed to have been terminated and vested with the Government.*

The perusal of order sheet reveals that parties are not appearing in the court for last many hearings. The matter needs to be enquired/ examined in light of the revenue record and spot position. In the facts and circumstances of the matter, the present revision petition is disposed of with the directions that Deputy Commissioner, Rajouri shall examine / verify in light of the record and spot position and dispose of the case in accordance with the law/ rule governing the subject matter, after affording opportunity of being heard to both the parties by following due process of law. Interim directions, if any issued, stands vacated. The file be consigned to records after due completion.

No:801/Addl.Com/p/2021-22/ 204-6

Dated:- 23.03.2022.

Additional Commissioner,  
(With the powers of Divisional Commissioner)

Jammu

Copy to:-

1. Deputy Commissioner, Rajouri for information and necessary action.
2. Tehsildar Nowshera for information.
3. Ld. Counsel for petitioner.
4. Ld. Counsel for respondents.