

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 2230/2022
CM No. 6024/2022

Mohd. Bashir and others

..... Petitioner(s)

Through: Mr. K S. Puri, Advocate

Vs

UT of J&K and others

..... Applicant(s)/Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
19.10.2022

Mutation no. 94 dated 21.09.1980 under section 4 followed by mutation no. 103 dated 21.02.1981 attested under the Agrarian Reforms Act, 1976 with respect to khasra no. 191/144 (3 kanal) of village Karyote, tehsil Thanamandi, district Rajouri was attested in favour of Mohd. Shafi, the father of the petitioners herein. Said two mutations came to be challenged in January, 2021 by successors-in-interest of Late Mangtu before the Additional Deputy Commissioner/Collector (with powers of Commissioner Agrarian Reforms) Rajouri, who by one page order has come to set aside the said two mutations.

Ex-facie the order is bad, as there is no parting direction in the impugned order as to what is to follow next as a consequence of setting aside of Mutation nos. 94 & 103. The order is an exhibit of non-application of mind on the part of the Additional Deputy

Commissioner/Collector (with powers of Commissioner Agrarian Reforms) Rajouri.

Issue notice to the respondents. The petitioner to furnish registered postal covers for service of the respondents within a period of seven days.

In the meantime, subject to objections and till next date of hearing, the operation of impugned order dated 20.08.2022 shall remain stayed.

This court acting suo-moto is taking notice of the fact that the officer concerned who has passed the impugned order seems to be possessing not even an elementary knowledge of the law pertaining to the Land Revenue Act as well as the other attending laws, which includes the provisions of the Agrarian Reforms Act, 1976 and as being the Additional Deputy Commissioner/Collector (with powers of Commissioner Agrarian Reforms) Rajouri must be seized of matters and case of similar nature for adjudication by virtue of his position. Said officer cannot be allowed to adjudicate the case bearing no knowledge and understanding of the laws governing the subject.

This Court directs the Financial Commissioner Revenue/Commissioner, Agrarian Reforms of the Union Territory of Jammu & Kashmir to withdraw the powers of the Commissioner under the

Agrarian Reforms Act, 1976 and as the Collector under the Land Revenue Act, 1996 from the official presently posted as Additional Deputy Commissioner, Rajouri with immediate effect till further orders of this Court.

A copy of this order be sent by the Registrar Judicial, Jammu to the Financial Commissioner, Revenue/Commissioner, Agrarian Reforms, UT of J&K for notice and compliance.

List this case on 05.12.2022.

(Rahul Bharti)
Judge

Jammu
19.10.2022
Muneesh