

IN THE COURT OF DIVISIONAL COMMISSIONER, JAMMU

Present:- Dr. Pawan Kotwal, IAS.

File No.
02/Revision
2016-17

Date of Institution
11-04-2016

Date of Decision.
11-03-2017

Abdul Majeed S/o Illam Din
R/o Jandora Khurd, Tehsil Bishnah
A/P Ward No.3, Ardhani Pond,
Lane No.2, Madina Hill, Bathindi, Jammu
V/S

Petitioner

1. State of Jammu & Kashmir through Naib Tehsildar, Circle No.10, Tehsil Bishnah.
2. Kala Ram S/o Late Ibrahim Gujjar R/o Jinder Khourd, Tehsil Bishnah. & Ors.

Respondent

In the matter of:-

Petition for setting aside order dated 25-04-2015 passed by Deputy Commissioner Jammu suit titled "Abdul Majid VS Kala Ram & Ors."

ORDER

The present petition has been filed against the order dated 25-04-2015 passed by Deputy Commissioner Jammu.

1. On filing of the petition, report from Deputy Commissioner Jammu was sought in the matter which has been received along with record file.
2. The contention of the petitioner herein is that his suit filed U/S 32 of LR Act is pending before Deputy Commissioner Jammu & subsequently he filed applications with regard to mutation No.8174 attested by Naib Tehsildar to be treated as appeal but Deputy Commissioner Jammu has rejected his applications on the ground that its jurisdiction lies with Sub Divisional Magistrate R.S. Pura.
3. The report received is perused which shows that the petitioner herein has been directed to file appeal before Sub Divisional Magistrate R.S. Pura has been appointed with powers of collector. It is to be mentioned that court below in its report has submitted that village Mehmoodpur lies under the jurisdiction of Sub Divisional Magistrate Jammu south and that even matter of demarcation of land has been initiated by him but applicant has not produced copy of Tatima in the matter.
4. After hearing the petitioner & perusal of report this court has observed that there is no illegality in the order under challenge as petitioner has been asked to file appeal before Sub Divisional Magistrate Jammu South. So no right of petitioner has been infringed by the order.
5. It may be noted that order as alleged by petitioner has not been passed in suit filed by him but on the applications filed during pendency of suit which is still pending before court below.

6. So in view of the above it is held that there is no ground to interfere with the order of the court below. Hence petition being devoid of merit is dismissed. Petitioner is free to file appeal before Sub Divisional Magistrate Jammu South.

A copy of this order alongwith record file be sent to Deputy Commissioner Jammu for information & further necessary action.

Stay issued, if any, shall stand vacated. The case file be consigned to records after due completion.


Announced
11-03-2017


(Dr. Pawan Kotwal) IAS,
Divisional Commissioner,
Jammu

No:- 001/1301

Dated:- 16-03-2017

Copy of order dated 11-03-2017 alongwith record file containing 151+17 = 168 leaves for the case titled Abdul Majeed vs State/ Kala is forwarded to Deputy Commissioner Jammu for favour of information and further necessary action.


Reader to
Divisional Commissioner
Jammu