

IN THE COURT OF DIVISIONAL COMMISSIONER, JAMMU
Before- Dr. Pawan Kotwal, IAS

File No.
90/Revision
2013-14

Date of Institution
05-3-2014

Date of Decision.
31-12-2016

Bir Singh S/o Tirath Ram .
R/o Alni Lajoo, Tehsil Bhallessa, (Gandoh District Doda

(Petitioner)

V/S

1. Lal Chand S/o Ganga Dhar
 2. Om Ganesh
 3. Pardeep Kumar both sons of Ganga Dhar.
 4. Kulwant Singh S/o Om Ganesh
- All residents of Alni Lajoo, Tehsil Bhallessa, (Gandoh District Doda

(Respondents)

In the matter of:-

Revision petition against the order passed by the SDM Bhallessa on 02-12-2013 on the direction of Deputy Commissioner, Doda order dated 20-06-2013 for setting aside the same. Any other relief which this Hon'ble Court deem fit and proper.

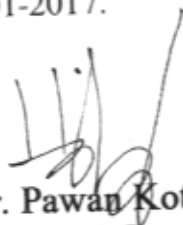
ORDER

1. The present petition has been filed against the order of SDM Bhallessa passed on 02-12-2013 on the direction of Deputy Commissioner, Doda order dated 20-06-2013.
2. The service of respondents as per report of Tehsildar Bhallessa was effected but they did not appear & chose to remain absent. Thereafter on the prayer of counsel for petitioner an order for publication for the service of respondents was passed & accordingly published in daily early times on 11-11-2015. Despite publication respondents did not appear and were set-expate accordingly.
3. The case came up for hearing. Counsel for petitioner present. Counsel for petitioner argued the grounds taken in the memo of petition and further pleaded that petitioner has seasonal permit for Dhar Trorwala under compartment No. 76, 77 of Vill. Alni lajoo but the court below did not consider his permit & passed orders at his back. He prayed to set aside the order impugned.
4. I have heard the arguments put forth by the counsel for petitioner. Record placed is examined from which it has Come to fore that seasonal permit for forest compartment No. 76/77 of Village Trorwala has been renewed up to 31-03-2013 in favour of petitioner. But the same appears to be not appreciated while passing order.
5. It may be noted that it was petitioner herein filed application against the respondents before Deputy Commissioner, Doda stating that during militancy they have forcibly occupied the possession of his compartment and do not allow him to approach that dok. The prayer was to restrain them from interfering.
6. It is to be mentioned that the court below has passed order on the basis of some enquiry conducted and on the basis of the statements of some witnesses stating that respondents Lal Chand has share in all compartments & his possession has been found.

7. It has also been found that a report of Range Officer Bhallessa wherein it is stated that Bir Singh was unable to produce any document in support of his claim Gandoh has been considered while passing order.
8. Whereas the record placed on record file pertaining to seasonal permit renewed in favour of petitioner has not been appreciated while passing order impugned.

Hence in view of the above reasons, this court is of the opinion that the order passed deserves to be set aside & the case warrants remand for denovo enquiry & passing order afresh after hearing all the interested parties.

Accordingly the case file U/S 15 (3) LR Act 1939 AD is submitted to Ld. Financial Commissioner (Revenue) J&K Jammu for confirmation. Petitioner is directed to appear before Ld. Financial Commissioner (Revenue) J&K Jammu on 31-01-2017.


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

Announced
31-12-2016.