

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

File No.
16/ Application Transfer
2014-15

Date of Institution
08-01-2015

Date of Decision.
12-11-2016.

1. Fazal Elahi
2. Nazir Hussain
Sons of Faiz Mohd
3. Mohd Rashid, Son of Wazir M
4. Mohd Bashir, S/o Mohd Azam
All residents of Village Gursai,
Tehsil Mendhar, District Poonc

(Petitioners)

1. Allah Dad S/o Mir Mohd
2. Moihd Aslam
3. Mohd Munshi sons of Atta Mohd
4. Barkat Hussain
5. Nazar Hussain
6. Ghulam Mohd
7. Mohd Sher Sons of Ghulab Din
8. Mohd Bashir
9. Mohd Rashid sons of Ghulam Hassan
10. Wazir Hussain S/o Lal Din
11. Talib Hussain S/o Sakhi Mohd
12. Abdul Gani S/o Faiz Hussain
13. Mohd Khurshid, S/o Noor Elahi.
14. Zahir Abbas s/o Mohd Latif
15. Usman Ghani S/o Faiz Hussain All
residents of village Gursai, Tehsil
Mendhar, District Poonch
16. Assistant Commissioner (Revenue)
Poonch

(Respondents)

In the Matter of:

Application under section 10 of Land Revenue Act read with Section 19 & 20 of Agrarian Reforms Act seeking withdrawal of Suit / Case titled Allah Dad & Ors. V/S. Fazal Elahi & Ors. from Assistant Commissioner Revenue Poonch and transfer the same to any other Court / Authority of competent jurisdiction other than respondent No.16 either at Poonch or at Jammu for transparent / fair Justice with respect to Dhara Nos. 30 & 31 in Dhok / Gho Gaddi at Girgin Surnakote District Poonch bearing No. 18.

With the further prayer to direct the Assistant Commissioner Revenue to not to proceed with the matter till the disposal of the present application / Petition.

ORDER

1. The present petition has been filed for transfer of the case titled "Allah Dad & Ors. VS Fazal Elahi & Ors." from the court of AC(R) Poonch to any other court of competent Jurisdiction either at Poonch or at Jammu for disposal.
2. On filing of the transfer application before this court on 08-01-2015, parawise reply in the matter was sought & proceeding before the court below were stayed till 06-02-2015 i.e. the next date of hearing. It is to be mentioned that the pare wise reply from the court below was received along with a copy of order dated 06-01-2015 passed in the matter.

3. The case came up for hearing. Counsel for both parties present. Counsel for petitioner submitted that he along with the applicant approached AC (R) Poonch to know about the proceedings in the case under transfer or to provide the copy of decision if passed any, but till date no reply has been given.
4. Whereas Counsel for respondent pleaded that the court below passed order on 06-01-2015 in the matter & as such the transfer application has become infructuous. He further argued that the petitioners herein have also filed a revision petition against that order before this court and prayed to dismiss the transfer application.
5. I have heard the arguments of the parties. The parawise reply and order passed by AC(R) Poonch is perused which reveals that the court below had passed order on 06-01-2015 whereas the transfer application has been filed on 08-01-2015 as such the transfer application is itself infructuous.
6. Moreover, the petitioners (Fazal Elahi & Ors.) has also filed revision petition against the order of AC(R) Poonch dated 06-01-2015. So, the transfer application has also become infructuous on this ground as well & the same deserves to be dismissed.

In view of the above, the transfer application being infructuous is dismissed.

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



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

Announced
12-11-2016.