

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

File No.
Revision
2010-11

Date of Institution
14-12-2010

Date of Decision.
29-04-2017

1. Gopal Dass
 2. Madan Lal
 3. Ram Lal all sons of Lt. Chandu R/o Bandowal Tehsil Akhnoor Distt. Jammu
- Petitioners*

Versus

1. Ram Krishan S/o Nand Lal
R/o Rakh Dhok Tehsil Akhnoor Distt. Jammu.
2. Settlement Officer, Jammu

Respondents

In the matter of:-

Revision against the order dated 13-11-2010 passed by the Resondent No.2 in File No. 159/SOJ/2007-2008 titled Gopal Dass V/S Ram Krishan & Ors. For setting aside the same along with the order passed by the SDM Akhnoor dated 28-09-2007 in File No. 45/SDM/Akh/AP.

ORDER

The present Revision petition has been filed against the order dated 13-11-2010 passed by the Resondent No.2 in File No. 159/SOJ/2007-2008 titled Gopal Dass V/S Ram Krishan & Ors. For setting aside the same along with the order passed by the SDM Akhnoor dated 28-09-2007 in File No. 45/SDM/Akh/AP.

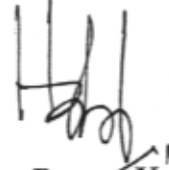
1. Counsel for respondent filed objections / written arguments wherein it is submitted that record of rights of Tehsil Akhnoor alongwith other Tehsils have been directed to be revised. As such the revenue cases arising out of this tehsil are to be dealt with & disposed of under law by settlement officer & settlement commissioner as the case may be.
2. The case came up for hearing. Petitioner present in person. Counsel for respondent present.
3. The counsel for respondent pleaded that this court lacks Jurisdiction as the village Rakh Dhok Tehsil Akhnoor is under settlement. He produced a copy of Notification issued by Revenue Department dated 29-07-1999 wherein direction for revision of records of rights of some Tehsils including Tehsil Akhnoor has been issued.
4. I have heard the arguments of the parties. The copies of order of denotification of Tehsils has been perused & , it has been found that the revised record of the said village of Tehsil Akhnoor has not been deposited in central Record Room which establishes that the village is still under settlement. A report obtained from the office of Regional Director Survey &

Land Records Jammu also confirms that Village Rakh Dhok of Tehsil Akhnoor is under settlement.

5. In view of the above this court is of the opinion that when the tract / Village to which the dispute pertains is under settlement, this court has no jurisdiction to adjudicate in the matter.

Hence the petition is disposed of for want of Jurisdiction. The appellant may approach the competent forum in the matter.

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

29.4.2017