

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

File No. 47/Revision
24-15

Date of Institution
11-12-2015

Date of Decision.
20-10-2016.

1. Harbir Singh Rissam S/o Late Dr. Harbhajan Singh R/o H.NO.20-B,D/C Block Gandhi Nagar, Jammu
2. Dr. Balbir Kour Wife of Late Dr. Harbhajan Singh M/o Harbir Singh Petitioner No.1 R/o H.No. 20-B, D/C Block Gandhi Nagar, Jammu

(Petitioners)

V/S

1. Jujhar Singh Rissam S/o Late Mahant Janak Singh R/o 49/2, Nanak Nagar, Jammu.
2. Mrs. Ranjeet Kour Wd/o Mahant Janak Singh R/o 49/2 Nanak Nagar, Jammu

(Respondents)

3. Custodian, Evacuee Property, Jammu

(Proforma Respondent)

In the Matter of:

Revision Petition under Section 15(2) of the Land Revenue Act of J&K State, in the matter of prayer and submission to call for the record of the case file of the above case, an application for partition of Agricultural Land situated in village Gondla pending before the Tehsildar R.S. Pura (Assistant Collector First Class) and entrusting it to some Senior Revenue Officer for its final disposal and decision in the case.

Appearing Counsel:-

1. For petitioner Advocate M. L Bhat

ORDER

The present application has been filed for the transfer of partition application pending before Tehsildar R.S. Pura to some senior Revenue Officer for its disposal

1. The petitioner has submitted that:
 - a) he had presented his applications before the Tehsildar R.S. Pura for partition of his Agriculture land measuring 30 Kanals in occupancy rights and 7 Kanals 8 Marlas in proprietary rights in village Gondla Tehsil R.S. Pura on 04-12-2013 and 26-12-2013 under section 105 read with section 177 of Land Revenue Act of J&K State against his uncle Jujhar Singh Rissam R/o Nanak Nagar, Jammu. His applications are pending before the Tehsildar for last three years and four Tehsildars have been transferred without disposal by anyone and he has lost his hopes to get justice in near future.
 - b) the advocates of both the parties have filed their written arguments, objections, counter objections and pleaded the case, but the file awaited their final order and decision for long despite the directions of this office land Dy. Commissioner's order for its expeditious disposal under rules dated 04-09-2015 & 03-09-2015 respectively. The respondent Jujhar Singh was also called for four times, but he has avoided to appear. This case is an old one and needs to be disposed of without any further delay, to deliver justice to the applicant Harbir Singh.

2. The case came up for hearing. Petitioner along with counsel present. He reiterated the grounds taken in the memo of petition and pleaded to transfer the case to a senior Revenue Officer for disposal.

I have heard the counsel for petitioner. Record file is examined. It has been found that the petition of petitioner filed before Tehsildar R.S. Pura seeking partition of ancestral land remained pending disposal since Dec. 2013 & no order had been passed in the matter to deliver justice to the petitioner.

This court is of the opinion that the court below should have decided the partition application of the petitioner by initiating proceedings under law but non serious approach of Tehsildar R.S Pura has compelled the petitioner to file transfer application before this court.

3. In view of the above, the transfer application is allowed and the matter is sent to Asstt. Commissioner (Revenue) Jammu for disposal under law after hearing the interested parties. The matter be disposed of within a period of two months.
4. A copy of this order along with record file of court below be sent to Asstt. Commissioner (Revenue) Jammu for information & further necessary action.

The petitioner is directed to appear before Asstt. Commissioner (Revenue), Jammu on 29-12-2016. The case file be consigned to records after due completion.



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

Announced

20-10-2016

- b) the advocates of both the parties have filed their written arguments, objections, counter objections and pleaded the case, but the file awaited their final order and decision for long despite the directions of this office land Dy. Commissioner's order for its expeditious disposal under rules dated 04-09-2015 & 03-09-2015 respectively. The respondent Jujahar Singh was also called for four times, but he has avoided to appear. This case is an old one and needs to be disposed of without any further delay, to deliver justice to the applicant Harbir Singh.