



IN THE COURT OF DIVISIONAL COMMISSIONER, JAMMU
Present:- Dr. Mandeep K Bhandari (IAS)

File No.

26/Revision
2017-18

Date of Institution

31.5.2017

Date of Decision.

31.5.2017

Prem Singh, Aged 58 years, S/o Sh. Rattan Singh R/o Village Boura, Tehsil and District, Kathua.

(Petitioner)

VERSUS

1. Deputy Commissioner, Kathua.
2. Tehsildar, Kathua.

(Respondents)

In the matter of: Revision petition against the order No. DCK/GR/D/2017-18/03 dated 12.05.2017 passed by the respondent No. 1.

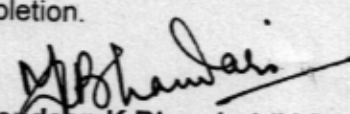
ORDER

1. The revision petition is presented by the counsel for petitioner today. He is heard. He pleaded the grounds taken in memo of petition and further pleaded that provisions of Section 133 of LR Act are not attracted in the present case as the father of the petitioner had been running a water mill in the land in dispute. He prayed to set aside the order impugned.
2. I have heard the counsel for petitioner. Perused the case file and order impugned from which it has been found that Tehsildar Kathua has been directed to proceed in the matter under section 133 Land Revenue Act. Tehsildar Kathua in compliance has further directed Naib Tehsildar concerned to issue notice of eviction.
3. The petitioner in para No. II of his petition has himself submitted that he has changed the business of running water mill and has constructed two shops & a Shed over the land in question.
4. The contention of petitioner is that provisions of section 133 of LR Act are not attracted in the present case and the order passed is illegal & unwarranted. He has cited J&K Water Mills Act in support of his case.
5. The petitioner is claiming right over the state land in question on the basis of an entry recorded with regard to 4 Marla of Ghair Mumkin Gharat on the name of his father in the Khasra Girdawari of 1971 which exists in Khasra Gridawari of Rabi 2016 also as per the copy of the Girdawari annexed with petition.
6. It is a settled principal of law that before passing an order, the affected party be given an opportunity of being heard.
7. In view of the above the petition is disposed off and the order dated 16.02.2017 is modified to the extent that petitioner be heard before passing of final order in the matter. Petitioner shall appear before Deputy Commissioner, Kathua on 12.06.2017. A copy of this order be sent to Deputy Commissioner Kathua and Tehsildar Kathua for information and further necessary action.

The case file be consigned to records after due completion.

Announced

31.5.2017


Dr. Mandeep K Bhandari (IAS)
Divisional Commissioner,
Jammu