



In the Court of Additional Commissioner, Jammu
(With the powers of Divisional Commissioner)
(Rail Head Complex, Jammu)

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File No.
60/Revision
2019-20

Date of Institution
09.09.2019

Date of Decision
03-02-2021

1. Prem Singh
2. Puran singh
3. Hari Krishan
4. Faqir Singh
5. Tirllok Singh
6. Budhi Singh
7. Harnam singh
8. Angreez Singh

All are the sons of shanker Dass

9. Vickram singh
10. Rajjinder Singh
11. Nariender singh
12. Sunil Singh

All are the sons of Puran Singh

And all above are the Residents of Gam, Tehsil and District Ramban.

....Petitioners

Versus

1. Pavinder Singh
2. Jaminder Singh
3. Amintan Singh
4. Ashok Singh
Sons of Bharat Singh
5. Pardeep Singh
6. Jeevan Singh

All are the sons of Mangal Singh and Resident of village Seri Tehsil and District Ramban.

..... Respondents

In the matter of: Revision Petition against the order dated 03.09.2019 passed by the Learned Assistant Commissioner Revenue Ramban being harsh, illegal unjust, baseless and without any force and due course of law.

ORDER

This case came up for hearing today on 03.02.2021. Learned counsel for both the parties present. The present revision petition has been preferred against order dated 03.09.2019 of Assistant Commissioner Revenue, Ramban whereby he has vacated the stay order allegedly without following due process of law and prior to the date of hearing which was fixed on 18.09.2019. Detailed arguments heard from both the sides. Learned Counsel for the petitioner stated that the court below without preponing the case has passed order prior to the date of hearing which is contrary to the law. Perusal of record file of Court below reveals that on 31.08.2019, the Court below has ordered to hear the case on 18.09.2019. In view of non availability of Presiding Officer on 18.09.2019, the next date was fixed for hearing on 23.10.2019. But on 03.09.2019, the Court below without preponing the matter and hearing the petitioner herein vacated the stay & allowed construction without providing due opportunity of being heard to him. The case needs thorough examination and proceedings at the level of Court below since the court below has not

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disposed of the petition yet and the proceedings are still continuing. Both the counsels have agreed that if the matter is sent back to the court below for further hearing the same and disposing of as per law and the facts after hearing both the parties, they have no objections.

In view of the above, it is ordered that the order dated 03/09/2020 shall not be given effect being passed ex-parte prior to the date of hearing and the court below shall decide the case on merits after hearing both the parties and following due process of law. The case file of the court below is remitted back for resuming further proceedings in the matter strictly as per law and disposing of it expeditiously.

The stay order issued by this court, if any, shall stand vacated. The record file of the court below be sent back. The case file of this court be consigned to records after due completion.

Announced
03.02.2021


Pawan Kumar Sharma, KAS
Additional Commissioner, Jammu
[with the powers of Divisional Commissioner]