



# IN THE COURT OF DIVISIONAL COMMISSIONER, JAMMU

Present:- Dr. M.K. Bhandari (IAS)

File No.

52/Appeal  
2016-17

Date of Institution

19.12.2016.

Date of Decision.

17.6.2017

1. Manohar Singh S/o Amir Chand Alias Chand
2. Arjun Singh S/o Gandharb Singh
3. Gandharb Singh all R/o Kundrorian Katra, Tehsil Katra, District Reasi.

(Petitioners)

## VERSUS

1. Smt. Janak Mehta W/o Mehta Prem Kumar Kapoor, R/o EP\_162, Mohalla Jullaka, Jammu
2. Deputy Commissioner, Reasi.

(Respondents)

In the matter of: Petition under section 9 of Land Revenue Act seeking to withdraw Appeal filed by the Petitioner titled Manohar Singh and ors. V/s Smt. Janak Mehta against Mutation No. 2293 dated 25.02.2009 with respect to Land measuring 3 kanals 10 marlas, comprising under khasra No. 72 min, situated at Kundorian, Tehsil Katra District Reasi and either dispose of it, or Transfer it for disposal to any other revenue officer of competent jurisdiction.

## ORDER

1. The present petition has been filed u/s 9 LR Act by the petitioner either to dispose it of or to transfer at the disposal to any other revenue officer of competent jurisdiction.
2. At first instance parawise reply was sought and further D.C Reasi had been restrained from passing final order till the said report is perused by this court. The reply is still awaited.
3. The case came up for hearing. Counsel for petitioner as well as counsel for respondent present.
4. Counsel for petitioner pleaded that both the parties have resolved their dispute amicably and have entered into a compromise on 02.03.2017. He submitted that parties do not want to contest the case anymore and prayed to allow the transfer application and to summon the appeal from Deputy Commissioner Reasi. He further pleaded that the mutation No. 2293 dated 25.05.2009 attested by Tehsildar Katra w.r.t. land measuring 3 Kanals 10 Marals underlying Kh. No. 72,72 min Khewat No. 39 Khata No. 386 and 387 situated at Kundrorian be set aside in terms of conditions of compromise deed of the parties.
5. He presented an application along with copy of compromise deed for placing it on record and for disposal of appeal in terms of compromise deed in this regard. Counsel for respondent also gave his consent to the submissions of counsel for petitioner.
6. Counsel for both the parties are heard. The petition filed by the petitioners is gone through which reveals that the petitioners, through counsel, filed the application seeking transfer of the case from Deputy Commissioner, Reasi to this court on the ground:-
  - i. That with respect to the same subject matter the petitioners and the respondent No. 1 filed civil suits for seeking decree of permanent Prohibitory injunctions before the court of Ld. Munsiff Katra and both of such suits came to be transferred to respondent No.2 and same are also pending disposal before the Respondent No. 2 and have been clubbed with the aforesaid Appeal.
  - ii. That the Attorney of Respondent No. 1 was openly declaring that he will get favourable order from respondent No. 2 and the conduct of the Respondent No. 2 also suggests that the Petitioners will not get justice from Respondent No. 2, in as much as, without granting

MS

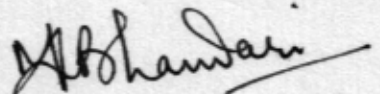
reasonable opportunity of being heard to the petitioners, the respondent No.2 had reserved the appeal for order.

- iii. That it is cardinal principle of law that Justice is not only done but also appears to have been done. However, in the present case the petitioners reasonably apprehend that justice shall be denied to them, in as much as the counsel of respondent No.1 is also a retired revenue officer who is always seen in the corridors of office of respondent No.2 and interfering with the court files.
7. It may be noted that when the parties have entered into a compromise and have settled their dispute amicably, then the apprehension of petitioners that they may not get justice from the court below has no legal force. Further, Deputy Commissioner, Reasi is competent to dispose off the appeal being the Appellate Authority. Moreover, the civil suits filed by both the parties before Learned Munsiff Katra have been transferred to the court below and are clubbed and pending for disposal. The same can also be taken up with the main appeal and disposed off accordingly.
8. Therefore, in the light of the above, it would be proper to refer the matter back to Deputy Commissioner, Reasi to dispose it off. Hence the present transfer application being devoid of merit is dismissed. However, parties are at liberty to plead before the court below for disposal of the appeal as per their compromise deed. A copy of this order be sent to Deputy Commissioner, Reasi for information and for further proceedings in the matter. Parties shall appear before Deputy Commissioner, Reasi on 30.06.2017

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

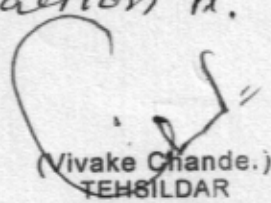
Announced

17.6.2017

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

No.: 801/459 Dated: 10-7-2017

Copy of order dated 17.6.2017 in the case titled Manohar Singh & ors vs Smt Jank Mehta & ors is forwarded to Deputy Commissioner, Reasi for information and further necessary action.

  
(Vivake Chande.)  
TEHSILDAR  
Head Quarter Asstt. to  
Divisional Commissioner  
Jammu