

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- WP(C) No. 1794/2025
CM No. 4063/2025

1. Santokh Singh, Age 63 years
 2. Omkar Singh, Age 57 years
 3. Avtar Singh, Age 56 years
- All sons of Lt. Dhanantar Singh
R/o Village Kharote, Tehsil & District Kathua. Petitioner(s)

Through: Mr. Jagpaul Singh, Advocate.

Vs

1. Union of India, through Secretary,
Ministry of Home Affairs,
(Department of Jammu, Kashmir and
Ladakh Affairs), New Delhi-110001.
2. Union Territory of Jammu and
Kashmir through Commissioner-
cum-Secretary to the Government,
Revenue Department, Civil
Secretariat, Jammu.
3. Deputy Commissioner, (Collector),
Kathua.
4. Tehsildar, Kathua.
5. Naib-Tehsildar, Kathua.
6. Raj Rani W/o Lt. Lal Singh.
7. Sukrita Rani, D/o Lt. Lal Singh.
8. Savita Rani, D/o Lt. Lal Singh, All
residents of Village Kharote, Tehsil & District Kathua. Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(14.07.2025)

1. The three petitioners are sons of late Dhanantar Singh.
2. Said Dhanantar Singh expired in the year 2004. Dhanantar Singh had a brother, namely, Lal Singh who is also no more. Dhanantar Singh and Lal Singh were sons of Shib Saran Singh.

3. Going by the fact line of the petitioners' case, their father-Dhanantar Singh was actually meant to be the beneficiary of the mutation No. 480 which is of 12.05.2009 Bikrami corresponding to 1952 AD.

4. As per this mutation, the name of Dhanantar Singh, as owner, under the effects of the Big Landed Estates Abolition Act, 1950 being originally reflected came to be cancelled and in his place name of Lal Singh came to be incorporated and entered but as per the petitioners it is their father-Dhanantar Singh who continued to be in cultivating possession of the land forming subject matter of the mutation No. 480 reflecting Lal Singh to be the owner.

5. Lal Singh expired in the year 2005 which opened his succession/inheritance through the mutation No. 1236 of 2006 dated 27.03.2006 attested with respect to estate in village Kharote, tehsil and district Kathua in favour of legal heirs of the Lal Singh to the exclusion of the petitioners.

6. The petitioners No. 1 & 2, & the petitioner No. 3's wife Rekha Rani came to be donees in terms of a registered gift deed dated 25.05.2005 executed by none else than very said Lal Singh who came to make gift of 10 kanals 6 marlas of land comprising in khasra No. 611 min of village Kharote, tehsil and district Kathua one of the parcels of the land with respect to which Lal Singh had become owner by virtue of mutation of 480.

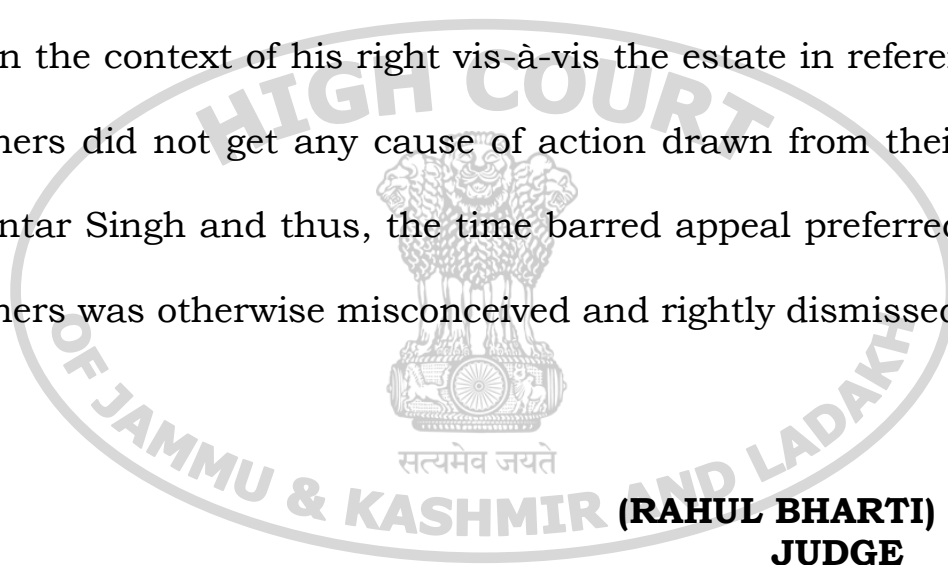
7. After having accepted the gift from Lal Singh in his acknowledged status as owner of the land vested in him by virtue of mutation No. 480, the petitioner No. 1 preferred an appeal on file No. DCK/545 on 04.12.2020 before the Deputy Commissioner (Collector), Kathua thereby assailing very said mutation No. 480 of 12.05.2009 Bikrami naming his two brothers Omkar Singh and Avtar Singh as proforma respondents whereas legal heirs of Lal Singh as contesting respondents.

8. Said appeal of the petitioner No. 1 came to be dismissed as barred by limitation by virtue of an order dated 23.05.2025 against which without availing remedy under the Land Revenue Act, Svt. 1996 of appeal/revision to the Divisional Commissioner/Financial Commissioner (Revenue), J&K, the petitioners have come to invoke writ jurisdiction of this Court under article 226 of the Constitution of India.

9. Even if the petitioners would have invoked the jurisdiction of the Divisional Commissioner/Financial Commissioner, (Revenue), J&K against rejection of their appeal as being time barred still the petitioners would not have succeeded because of point of law that the petitioners cannot be heard to approbate or reprobate in the sense of having accepted the gift from the none else than Lal Singh whose ownership is being questioned through the medium of the appeal held by the Deputy Commissioner (Collector), Kathua to be time barred, as such, there is nothing in the writ petition to be

adjudicated upon at the asking of the petitioners and, therefore, the writ petition is **dismissed** in limine.

10. Otherwise also, the petitioners would not have been heard even if the condonation of delay would have been allowed by the Deputy Commissioner (Collector), Kathua on merits in the face of the fact that their father Dhanantar Singh during his lifetime till his demise in the year 2004 at no point of time ever questioned the attestation of mutation in his place in favour of his brother-Lal Singh and, therefore, what their father Dhanantar Singh did not claim in the context of his right vis-à-vis the estate in reference, the petitioners did not get any cause of action drawn from their father Dhanantar Singh and thus, the time barred appeal preferred by the petitioners was otherwise misconceived and rightly dismissed.



(RAHUL BHARTI)
JUDGE

JAMMU
14.07.2025

Shivalee

Whether the order is speaking : Yes/No

Whether the order is reportable: Yes/No