

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

Case No.:- OWP No. 1111/2018
IA No. 1/2018

Parshotam Singh, age 67 years,
S/o Late Sh. Nago Ram,
R/o Village Rahya,
Tehsil Vijaypur & District Samba

.....Petitioner(s)

Through: Mr. G.S. Thakur, Advocate.

Vs

1. Jammu and Kashmir Special Tribunal, Jammu.
 2. Additional Deputy Commissioner (with the Power of Commissioner Agrarian Reforms) Jammu.
 3. Raghubir Singh S/o Anant Singh
 4. Daljit Singh S/o Kartar Singh
 5. Balbir Singh
 6. Karan Singh
 7. Ashok Singh sons of Rachpal Singh
 8. Gurdev Singh S/o Rattan Singh
 9. Baldev Singh S/o Bhup Singh
 10. Dhrub Singh S/o Gandharab Singh
 11. Daljeet Singh S/o Ravel Singh
 12. Sandhoor Singh
 13. Tara Singh sons of Charan Singh
 14. Rajinder Singh
 15. Abhay Singh sons of Teja Singh
 16. Kamal Singh S/o Bhagwan Singh
 17. Sushil Singh S/o Sh. Suram Singh
 18. Mohinder Singh S/o Sh. Krishan Singh
 19. Bhupinder Singh S/o Sh. Janak Singh
 20. Jeevan Singh S/o Gajay Singh
 21. Prem Singh S/o Lachman Singh
 22. Ranjit Singh S/o Lehar Singh
 23. Swaran Singh S/o Sobha Singh
 24. Jagdev Singh S/o Sh. Kor Singh
 25. Pardeep Singh S/o Dhian Singh
 26. Chanchal Singh S/o Baraf Singh
- All residents of Village Bhagala, Tehsil Vijaypur
District Samba.

..... Respondent(s)

Through: Mr. Pawan Kumar Manni, Advocate for
R. Nos. 3 to 10, 14, 16 to 18, 20 to 24 and 26.

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

ORDER
14.05.2025

1. Mutation No. 3516 on file No. 1237/Agr dated 23.08.1989 read with mutation No. 4000 dated 05.03.1992 under sections 4 and 8 respectively of the Jammu and Kashmir Agrarian Reforms Act, 1976 with respect to land measuring 12 marlas comprised in khasra No. 1841 min in village Bhagla, tehsil Samba purportedly attested in favour of the petitioner Parshotam Singh came to be challenged in an appeal before the Joint Agrarian Reforms Commissioner (with powers of Commissioner Agrarian Reforms), Jammu which resulted in dismissal by virtue of an order dated 17.04.2002.
2. The appeal was preferred by twenty eight (28) appellants who then took up the matter further in revision before the Jammu and Kashmir Special Tribunal on file No. STJ/220/2016 which came to be disposed of vide an order dated 28.05.2018 thereby accepting the revision and setting aside the order dated 17.04.2002 passed by the Joint Agrarian Reforms Commissioner (with powers of Commissioner Agrarian Reforms), Jammu along with setting

aside of mutation No. 3516 dated 23.08.1989 of the Assistant Commissioner (G) Jammu on file No. 1237/Agr and order dated 05.03.1992 passed on mutation No. 4000 passed under sections 4 and 8 respectively of the Jammu and Kashmir Agrarian Reforms Act, 1976.

3. The Jammu and Kashmir Special Tribunal came to direct Tehsildar, Samba to conduct fresh enquiry on spot by giving an opportunity of hearing to both the sides i.e, the petitioners (appellants) in the revision petition before the Jammu and Kashmir Special Tribunal and the respondent No. 1-Parshotam Singh who is the writ petitioner now in the present case.
4. The Jammu and Kashmir Special Tribunal's judgment dated 28.05.2018 came to be assailed by the petitioner, as being aggrieved respondent No. 1, which has now been lying on the docket of this Court for the last more than seven years.
5. During the pendency of the writ petition, out of the private respondents figuring at serial Nos. 3 to 26, respondents No. 13 and 15 came to expire resulting in bringing on record their legal representatives.
6. From the perusal of the Jammu and Kashmir Special Tribunal's judgment dated 28.05.2018, this Court is of the view that no prejudice whatsoever has been caused either to the writ petitioner and/or to the originally aggrieved persons

i.e., respondents No. 3 to 26 because the Tehsildar, Samba was directed to conduct a fresh enquiry on spot and then pass appropriate orders. In case if the claim of the writ petitioner qua the property in reference would have been found sustainable then surely the mutations otherwise attested in his favour would have come to revival and on the other hand if the claim of the private respondents who came to challenge two mutations in appeal would have been found sound then set aside mutations would have remained cancelled so leaving either of the two sides i.e., the petitioner and the respondents No. 3 to 26 to seek legal remedy available next.

7. In view of this scenario, this Court finds nothing vitiating in the Jammu and Kashmir Special Tribunal's judgment dated 28.05.2018 and, therefore, disposes of this writ petition with a modification that now instead of the Tehsildar, Samba, it is the Tehsildar, Vijaypur who shall carry out the fresh enquiry as directed by the Jammu and Kashmir Special Tribunal in its impugned order dated 28.05.2018 on file No. STJ/220/2016.
8. The petitioner Parshotam Singh and the private respondents No. 3 to 26 including the legal representatives of the deceased respondents No. 13 and 15 are directed to appear before the Tehsildar, Vijaypur on 30.06.2025 along with

certified copy of this order and also of the order of the Jammu and Kashmir Special Tribunal for enabling the Tehsildar, Vijaypur to undertake denovo enquiry as directed by Jammu and Kashmir Special Tribunal.

9. Connected application(s) also stands disposed of accordingly.

(RAHUL BHARTI)
JUDGE

JAMMU
14.05.2025
Naresh/Secy.

