

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

**WP(C) No. 3075/2023
CM No. 7413/2023**

**Pritam Singh Wazir, age 65 years
S/o Shambu Nath
R/o Parthal Road, Katra,
Reasi**

.....Appellant(s)/Petitioner(s)

Through: Mr. Parvesh Singh Salaria, Advocate

Vs

- 1. UT of Jammu & Kashmir,
Through Commissioner/Secretary,
Revenue Department,
Civil Secretariat, Srinagar**
- 2. Financial Commissioner,
UT of J&K,
At Jammu**
- 3. Surinder Singh Wazir,
S/o Kewal Singh Wazir
R/o Gandhi Nagar, Jammu**
- 4. Gopal Singh Wazir
S/o Kewal Singh Wazir
R/o Lane No. 6, Talab Tillo, Jammu**
- 5. Brij Singh Wazir,
S/o Late Sh. Beli Ram Wazir,
R/o Akhnoor Road, Talab Tillo, Jammu**
- 6. Rajdeep Singh Wazir,
S/o Girdhari Singh Wazir,
R/o H. No. 186, Panjthirthi, Jammu**
- 7. Karan Singh Wazir,**
- 8. Davinder Singh Wazir
Both sons of Harbans Singh Wazir
R/o Lane No. 6 Talab Tillo, Jammu**
- 9. Raj Kumar,
W/o Gian Singh Wazir,**

10. **Rajinder Singh**
S/o Gian Singh Wazir
11. **Meena Singh**
D/o Gian Singh
All residents of H. No. 186, Pajthirthi, Jammu
12. **Gopal Singh Wazir**
13. **Diwan Singh Wazir**
14. **Pavitar Singh**
All sons of Wazir Shambu Nath
R/o Lane No. 6, Talab Tillo, Jammu
15. **Babli Devi**
W/o V.S. Janwal
R/o Lane No. 6 Talab Tillo, Jammu
16. **Veena Devi**
W/o Sh. OP Jamwal
R/o Amphala Jammu
17. **Rajeshwar Katoch**
S/o Harbans Singh Katoch
R/o Lane No. 2, Jawahar Nagar,
Talab Tillo, Jammu
18. **Smt. Dolly,**
D/o Harbans Singh Katoch
R/o Lane No. 2, Jawahar Nagar, Talab Tillo, Jammu
19. **Smt. Dazy**
20. **Renuka**
All D/o of Harbans Singh Katoch
R/o Lane No. 2, Jawahar Nagar, Talab Tillo, Jammu

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG for R-1
& 2
Mr. Vinod Kotwal, Advocate for R-3,
4, 6, 7, 8, 10 and 11

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(03.06.2025)

01. Mutation No. 743 dated 05.01.1993 attested by
Tehsildar, Reasi became the subject matter of a revenue

revision petition filed before the Divisional Commissioner, Jammu. The revision petition was preferred by thirteen (13) revision petitioners.

- 02.** Mutation in reference was attested exclusively in favour of the petitioner herein-Pritam Singh Wazir, the respondent in the said revision petition before the Divisional Commissioner, Jammu to the exclusion of the revision petitioners in the said revision petition.
- 03.** The Divisional Commissioner, Jammu in exercise of his powers under section 15 of the Land Revenue Act, Svt. 1996 was pleased to entertain and accept the revision so preferred by thirteen revision petitioners and by virtue of an order dated 03.06.2006 made the reference with his opinion for setting aside the impugned mutation to the learned Financial Commissioner (Revenue), J&K as per mandate of section 15(3) of Land Revenue Act, Svt. 2006.
- 04.** Said reference came to be assigned by the learned Financial Commissioner, J&K, Jammu to the Joint Financial Commissioner, with powers of Financial Commissioner (Revenue), J&K on file No. 268/FC-AP and 271/Jt.FC-AP.
- 05.** During the pendency of said reference proceedings, some of the revision petitioners namely, revision petitioner No. 1-Wazir Rattan Singh, revision petitioner No. 4-Ravinder

Singh Wazir and revision petitioner No. 6-Mansa Ram Wazir came to expire.

- 06.** It is by reference to the death of the said three revision petitioners out of thirteen revision petitioners that the Joint Financial Commissioner, J&K, Jammu was persuaded by the respondent No. 1 that the reference is to abate in entirety and thus, by virtue of order dated 08.10.2015, the Joint Financial Commissioner, J&K, Jammu held the reference to have abated in its entirety by reckoning that the share of the parties are indivisible.
- 07.** There is an inherent contradiction which came to be set in by the Joint Financial Commissioner, J&K, Jammu in his own order by observing that while the shares of the parties are indivisible but on the other hand making the reference abate as a whole as if rest of the ten revision petitioners were not good enough to carry forward the reference to its logical adjudication. Otherwise also, the revision petition having been accepted by the Divisional Commissioner, Jammu was not meant to abate because of death of some of the revision petitioners but the reference was to be answered on merits by the Joint Financial Commissioner with Powers of Financial Commissioner (Revenue), J&K notwithstanding the demise of some of the petitioners.

- 08.** The legal lacunae attending the order dated 08.10.2015 passed by the Joint Financial Commissioner, J&K, Jammu came to be set to correction by the learned Financial Commissioner, (Revenue), J&K in response to a review petition preferred by the surviving revision petitioners when in terms of order dated 28.11.2023, the learned Financial Commissioner, Revenue, J&K came to hold that the reference proceedings were not to abate in view of the Rule 22 of the J&K Land Revenue Rules, 1969 and also relying upon judgment of this Court in the case of **“Bishan Dass & Ors. vs. Financial Commissioner & Ors. OWP No. 1490/2018”**, thus, by holding that there is an error apparent on the face of the records with respect to order dated 08.10.2015, the Financial Commissioner, Revenue, J&K came to do the course correction by reviving the reference and directing the listing of the matter for further proceedings before him.
- 09.** It is against this indulgence of the learned Financial Commissioner, Revenue, J&K that the writ petitioner-Pritam Singh Wazir rushed to this Court with the present writ petition during the pendency of which some of the respondents, to say otherwise some of revision petitioners have also died i.e. revision petitioner No. 5-Gopal Singh Wazir and revision petitioner No. 8-Gian Singh Wazir meaning thereby out of thirteen original revision

petitioners, five have come to expire in the course of proceedings w.e.f the pendency of the reference proceedings before the Joint Financial Commissioner, J&K, Jammu and before this Court.

10. This Court finds no illegality obtaining in the order dated 28.11.2023 of the learned Financial Commissioner, Revenue, J&K. In fact by virtue of his order dated 28.11.2023, learned Financial Commissioner, Revenue, J&K has purged the illegality which has come into proceedings in terms of order dated 08.10.2015 passed by the Joint Financial Commissioner, J&K, Jammu.

11. Thus, the present writ petition is **dismissed** by maintaining order dated 28.11.2023 of learned Financial Commissioner, Revenue, J&K. Parties are directed to appear before the learned Financial Commissioner, Revenue, J&K, Jammu on **23.06.2025**.

12. The surviving petitioners are left to their discretion as whether to bring on record the legal representatives of the deceased revision petitioners or not.

13. In case, the surviving revision petitioners would come forward with application/s for bringing on record the legal representatives of the deceased revision petitioners then learned Financial Commissioner, Revenue, J&K, would bring the legal representatives so named to be

brought on record to pursue the reference proceedings to its logical adjudication.

14. In case, the surviving revision petitioners would contend to pursue the reference proceedings even without impleadment of the legal representatives of the deceased revision petitioners still then the outcome of the reference adjudication by the Financial Commissioner, Revenue, J&K, Jammu would be equally binding on the legal representatives of the deceased revision petitioners.
15. Given the fact that the reference came to be made way back in the year 2006 by the learned Divisional Commissioner, Jammu to the Financial Commissioner, (Revenue), J&K, as such, the Financial Commissioner, (Revenue), J&K, Jammu is urged by this Court to **dispose of** the reference as early as possible by bearing in mind the dictum that the Delay defeats Justice.
16. The writ petition is accordingly, **disposed of**, along with connected application(s).

(RAHUL BHARTI)
JUDGE

JAMMU
03.06.2025
SUNIL

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No