

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

**Case No: LPA No.287/2025  
CM No. 7540/2025**

*Reserved on :25.11.2025  
Pronounced on:11.12.2025  
Uploaded on:11.12.2025*

*Whether the operative part or full  
Judgment is pronounced : **Full***

1. Sh. Banarsi Dass, age 76 years, S/O Late Shri Vishwa Nath, R/O Village Hakkal, Tehsil Jammu South, Distt. Jammu.
2. Shri Sohan Lal Sharma, age 44 years, S/O Late Shri Anant Ram, R/O Village Jandyal Thathri, Tehsil Bhalwal, District Jammu.
3. Shri Vijay Kumar Sharma, age 40 years, S/O Shri Anant Ram, R/O Village Jandyal Thathri, Tehsil Bhalwal, District Jammu.

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

Through: Mr. Rakesh Sharma, Advocate.

v/s

1. Financial Commissioner (Revenue) J&K Government, Srinagar.
2. Asha Nand S/O Sh Amar Nath, R/O Village Chak Banotra, Tehsil Mandal (New), District Jammu.
3. Satpal S/O Shri Amar Nath, R/O Village Chak Banotra, Tehsil Mandal (New), District Jammu.

4. Shakti Kumar S/O Shri Amar Nath, R/O Villag Chak Banotra, Teshil Mandal (New) District Jammu.
5. Om Parkash S/O Shri Karam Chand, R/O Village Chak Banotra, Tehsil Mandal (New), District Jammu.
6. Girdhari Lal S/O Sh. Karam Chand, R/O Village Chak Banotra, Tehsil Mandal (New), District Jammu.
7. Bishan Dass S/O late Shri Karam Chand, R/O Village Chak Banotra, Tehsil Mandal (New), District Jammu.
8. Additional Commissioner (with powers of Divisional Commissioner), Jammu.

.... Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG for R-1 & 8  
M/s S.M.Chowdhary, Bilal A Chowdhary,  
Arun Sangotra & Mahmood A Shaad,  
Advocates for R- 2 to 7.

**CORAM: HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

**JUDGMENT**

**PER OSWAL-J**

1. The appellants-writ petitioners had filed the writ petition for quashing order dated 27.06.2019 passed by the Financial Commissioner (Revenue), J&K Government, Srinagar (respondent No.1) in Revision Petition titled '*Shri Asha Nand and others Vs. Anant Ram and others*' whereby order dated 22.05.2017 passed by the Additional Commissioner (with powers of Divisional Commissioner,) Jammu (respondent No.8), condoning the delay in filing the Revision Petition against the Mutation No. 65 of village Chak Banotra, Tehsil Mandal, Jammu, was set aside and for restraining the respondents 2 to 7 from

creating any third party interest in respect of the land measuring 340 Kanals 15 Marlas comprising various khasra numbers situated at village Chack Banotra, Tehsil Mandal, District Jammu.

2. The case projected by the appellants-writ petitioners in the writ petition was that Shri Raghu Nath and Shri Amar Nath both sons of Shri Bashi Ram, and Shri Hoshiara S/O Sh. Jagar were the co-sharers in the land measuring 340 Kanals 15 Marlas comprising various khasra numbers situated at village Chack Banotra, Tehsil Mandal, District Jammu. The respondents 2 to 4 are the sons of Sh. Amar Nath. Shri Karam Chand i.e. predecessor-in-interest of private respondents 5 to 7 was the son of Shri Raghu Nath. Shri Hoshiara had two sons, namely, Shri Daya Ram and Shri Sadhu Ram (both deceased). Shri Anant Ram was the son of Shri Sadhu Ram, who is also dead. The appellants 2 & 3 are sons of Shri Anant Ram, who was the son of Shri Sadhu Ram. Shri Vishvanath was the son of Sh. Daya Ram, who also died and was succeeded by the appellant No.1, his son. Shri Hoshiara was minor when his father, namely, Jagar died. His mother was not in a position to maintain herself and her son (Hoshiara), therefore, she took him to her parental house for shelter and maintenance where he was brought up by his maternal grandparents. This fact has been pleaded to urge that because of peculiar situation, half of the land, which fell in the share of Shri Hoshiara was being cultivated by the other co-sharers. It was further stated that in terms of Mutation No.64 estate left behind by Shri Bashi Ram was inherited by Shri Raghu Nath and Shri Amar Nath. In the aforesaid Mutation, Shri Hoshira, was reflected as owner and resident

of village Galali, Tehsil Reasi. It was further pleaded that after Shri Hoshiara attained the majority, he along with Shri Bashi Ram used to cultivate the land jointly through labourers, as Shri Hoshiara was not mentally sound. Also, he through his mother and his maternal uncles used to get the profits and proceeds of his share arising out of the above-mentioned land. After the demise of Shri Hoshiara, his descendants continued to receive the profits and proceeds from their share of the land without any interference from the private respondents, who are the descendants of late Shri Bashi Ram.

3. It was contended by the appellants-writ petitioners that their predecessors-in-interest were not aware of the fact that Shri Bashi Ram had managed and fabricated the revenue entry as well as Mutation No. 65 by portraying Shri Hoshiara as absentee/gairhazir and getting his name deleted from the revenue records, despite the fact that he and his legal heirs were getting the usufruct of the land. The appellants-writ petitioners filed a Revision Petition against Mutation No.65 before the court of Additional Commissioner, (with powers of Divisional Commissioner) Jammu(respondent No.8) titled *Anant Ram and others Vs. Asha Nand and others* along with an application for condonation of delay, and vide order dated 22.05.2017, the delay in filing the Revision Petition was condoned by respondent No.8. This order came to be challenged by respondents 2 to 7 before respondent No.1, who vide order dated 27.06.2019 set aside the order dated 22.05.2017 passed by respondent No.8. The appellants-writ petitioners assailed the said order before the learned writ Court and

learned writ Court vide its judgment dated 04.09.2025 dismissed the writ petition filed by the appellants-writ petitioners.

4. Being aggrieved by the judgment of learned writ Court dated 04.09.2025, this intra-court appeal has been filed by the appellants-writ petitioners by asserting that the learned single judge has dismissed the writ petition on the sole ground that the appellants-writ petitioners and their predecessors-in-interest were very well aware about the status of the land as reflected in the Record of Rights and further that the suit filed by predecessor-in-interest of the appellants-writ petitioners, Shri Hoshiara, for possession of the land against the predecessors-in-interest of private respondents before the court of learned Sub Judge, Jammu on 18 Samvat 1981 Bikrami came to be settled by virtue of which Shri Hoshiara after receiving Rs.225/- from other side i.e. predecessors-in-interest of private respondents had relinquished the claim in their favour, but learned single judge before returning this finding did not even summon the original record of the order passed by the learned Sub Judge, Jammu as well as of the suit because no such relinquishment was ever made by the predecessor-in-interest of the appellants-writ petitioners, namely, Shri Hoshiara, anywhere in the record. It is further contended that learned writ Court has not appreciated the case of the appellants-writ petitioners that at the time of filing of the Revision Petition it was specifically pleaded that they came to know about their position qua land in question only few months back and that the Additional Deputy Commissioner, Jammu accepted the cause for condoning the delay, while entertaining the Revision Petition. It is the case of the appellants-writ petitioners

that learned single judge has not rightly considered the issue of delay while dismissing the writ petition.

5. Heard learned counsel appearing for the parties and perused the record meticulously.
6. The appellants-writ petitioners first contended that they were unaware of Mutation No. 65 of Village Chack Banotra, Tehsil Mandal, District Jammu. This mutation, attested in Svt. 1976, deleted the name of Shri Hoshiara as a shareholder from the revenue records for being gairhazir (absent). Admittedly, the Revision Petition against Mutation No. 65 was filed 97 years after its attestation. In their application for condonation of delay, the appellants-writ petitioners merely asserted that they only gained knowledge of the Mutation few months prior. Based solely on these unsubstantiated assertions, Respondent No. 8, through an order dated 22.05.2017, condoned the delay. The issue of the applicability of the law of limitation to Revision Petitions filed under the Jammu and Kashmir Land Revenue Act is no longer *res integra*, as a Coordinate Bench of this Court in case titled **Wali Mohammad Magrey and another Vs. Ali Mohammad Gujree and others, 2022 (1) JKJ[HC] 310** after taking note of the provisions of Sections 12 and 15 of the Jammu and Kashmir Land Revenue Act, has held as under:

“It be seen that whereas sub-section (1) of Section 15, providing for power to revise orders, uses the phrase 'at any time', meaning at any time, without reference to limitation, sub-section (2) of Section 12 provides that such provisions of Limitation Act as apply to applications for revision etc. in civil suits shall also apply to revisions etc. under the said Act. Obviously, Sub-section (1) refers to the *suo moto* exercise of power of revision by the Financial Commissioner and sub--section (2) of Section

12 refers to the revisions initiated under Section 15 of the Act at the instance of an aggrieved party. **The provision of the law in sub-section (2) of Section 12 of the Land Revenue Act, thus, expressly, clearly and unambiguously provides limitation period for revision applications under the Act, as being the same as provided for revisions under the Limitation Act in civil suits. The plea or the contention that the law of limitation is not attracted to the revision applications under the Land Revenue Act does not hold good.** The judgments cited at the Bar and relied upon by Mr. M.A. Qayoom are either not attracted or are distinguishable on facts.”

(emphasis added)

7. The Learned Writ Court considered the appellants-writ petitioners' asserted cause for condoning the huge delay of 97 years in filing the Revision Petition. We are in full agreement with the reasons recorded by the Learned Writ Court for rejecting this cause. The Record of Rights consistently reflected the name of the private respondents' predecessors-in-interest. For 97 years, the successors-in-interest of Shri Hoshiara never raised any objection to the Mutation or challenged it, presumably because they were aware that Shri Hoshiara had reached a settlement in a suit, he filed against the private respondents' predecessors-in-interest. This suit was filed before the Court of Learned Sub Judge, Jammu, on 18 Samvat 1981 Bikrami. Under the settlement, he relinquished his claim in their favour after receiving Rs. 225/- from the defendants therein. In this context, it is deemed appropriate to consider the observations made by the Coordinate Bench of this Court in **‘Ghulam Qadir Bhat & Ors. Vs. Financial Commissioner (Revenue) and Ors.’, 2021 (5) JKJ [HC] 1**, wherein it has been observed as under:

23. In view of the aforesaid case law, the inescapable conclusion is that the revisional powers cannot be exercised arbitrarily after

an inordinate delay of the passing of the order sought to be revised.

24. The case at hand is a classic example of inordinate and unreasonable delay in exercise of revisional power. **The said power has been exercised without recording any satisfaction as to the delay in exercising it more particularly when the two earlier generations of the revisionist have not come forward to object to the mutation or to challenge it by filing a revision.** Thus, it is a clear case of unreasonable delay in exercise of revisional power.

8. The Learned Single Judge found it impossible and highly improbable that the appellants-writ petitioners or their predecessors-in-interest remained unaware of the change in the revenue records throughout this period. The Writ Court further noted the suit for declaration filed before the Deputy Commissioner (Collector), Jammu, under Section 32 of the Jammu and Kashmir Land Revenue Act, seeking correction of the Record of Rights for the year 2013-14.

9. Next, it was contended by the appellants-writ petitioners that the Learned Writ Court ought to have summoned the record of the suit before placing reliance on the photocopy of the order passed by the Learned Sub-Judge, Jammu. This order pertained to the settlement arrived at between Shri Hoshiara and the predecessors-in-interest of the private respondents, specifically, the defendants in the suit, namely, Shri Raghunath and Shri Amarnath. This argument has been taken note of for the purpose of rejection only, for the simple reason, that the private respondents had taken this plea not only in the Revision Petition preferred by them before Respondent No. 1, but also in their objections to the Writ Petition. Despite this, the appellants-writ petitioners did not object to the same either in the Writ Petition

by filing supplementary affidavit/counter-affidavit or during arguments. Once the appellants-writ petitioners did not object to the admissibility of the order before the Writ Court, they cannot now raise the plea that the Learned Writ Court ought to have summoned the record of the suit before placing reliance on it. Interestingly, before this Court also, they have not denied the existence of this order.

10.We have examined the judgment of the learned writ Court, and we find that the learned writ Court has rightly adjudicated the controversy leaving no scope for interference by this Court.

11.In view of above, this appeal is found to be meritless and is **dismissed** as such along with connected CM(s) if any.

(Rajnesh Oswal)  
Judge

(Arun Palli)  
Chief Justice

**Jammu**  
11.12.2025  
Madan Verma-Secy

