

Serial No. 12
Regular List

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

**WP(C) No. 3576/2025
CM No. 8165/2025**

Cav. No. 2733/2025

Surinder Kumar & Ors.

.....Petitioners

Through: Mr. R.S. Thakur, Sr. Advocate with
Mr. Vasharan Thakur, Advocate

Vs

UT of J&K & Ors.

.....Respondent

Through: Mr. Amit Gupta, Sr. Advocate with
Mr. Javed Balwan, Advocate

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(22.12.2025)**

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01. With the appearance of learned counsel for the caveator,
caveat stands discharged.

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02. **Mutation No. 218** dated **27.11.1998** came to be
attested, purportedly by reference to section **121 of the**
J&K Land Revenue Act, Svt. 1996, with respect to land
measuring two (2) kanals in khasra No. 152 min (old)
now 349 new of village Chandwan tehsil Marheen

erstwhile tehsil, Hiranagar, district Kathua in favour of the petitioners as being sons of Ram Dass.

03. The attestation of mutation was done by the Tehsildar, Hiranagar. Said attestation was put to challenge in a time-barred appeal by the private respondents herein No. 5 to 8 before the Divisional Commissioner, Jammu who ***per-se*** does not qualify to be an appellate authority vis-à-vis an order of the Assistant Collector 1st/2nd Class.
04. The Divisional Commissioner, Jammu, under **J&K Land Revenue Act, Svt. 1996**, is an appellate authority only against an original order of Collector passed under **J&K Land Revenue Act, Svt. 1996**.
05. Be that as it may, the time-barred appeal filed on **16.05.2008**, on file No. **RDC05000009342** titled ***“Anchal Singh through his legal representatives Vs. Surinder Kumar & Ors.”*** came to be decided after a pendency of almost more than seventeen years by virtue of an order dated **11.07.2025** setting aside the mutation and remanding the matter back to the Tehsildar concerned for ***de novo*** enquiry.
06. The petitioners being aggrieved have come forward with the present writ petition.

07. When this Court examines the scope of remedy available to the petitioners under the **J&K Land Revenue Act, Svt. 1996**, this Court finds that against an order of the Divisional Commissioner, remedy of an appeal is still available to an aggrieved litigant in a revenue litigation and the appellate forum is the Financial Commissioner (Revenue), J&K.
08. Mr. R.S. Thakur, learned Senior Advocate assisted by Mr. Vasharan Thakur, learned Advocate for the petitioners submits that the writ jurisdiction is also simultaneously available at the end of the petitioners by bearing in view the legal issues raised in the matter.
09. This Court has no qualm to confront Mr. R.S. Thakur, learned Senior Advocate on this aspect but, nevertheless, in the given facts and circumstances of the case where there are shades of some disputed claims from the end of the respondents No. 5 to 8 vis-à-vis the petitioners, most efficacious remedy for the petitioners would be to approach the appellate authority of Financial Commissioner (Revenue), J&K, whereafter in the event of any final words coming from the highest revenue authority of UT of J&K under the **J&K Land Revenue Act, Svt. 1996**, then only judicial review jurisdiction

under article 226 of the Constitution of India can be availed by any of the aggrieved parties as by that time the facts come up in a better frame of reference.

10. Accordingly, this Court allows the petitioners to have withdrawal of this writ petition with liberty to approach the Financial Commissioner (Revenue), J&K with an appeal within a period of **thirty (30) days** from the date of passing of this order. In the case, an appeal comes to be filed within a period of **thirty 30 days**, then the period of limitation be not read against the petitioners in maintaining the appeal.

11. Till filing of the appeal, there shall be **status quo** with respect to the land forming subject matter of the mutation No. 218 of 1998 whereafter it shall be within the discretion of the learned Financial Commissioner (Revenue), J&K to pass an appropriate order in the interim application as may come to be filed in the case either by the appellants or by the respondents in the matter without being influenced by any observations of this Court in the matter of passing a status quo direction as a stopgap measure in order to balance the equities and not letting the parties to resort to extra legal means

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of ousting each other from the possession of the property in reference.

12. The appeal to be preferred by the petitioners shall also accompany a certified copy of this order.

13. Disposed of.

(RAHUL BHARTI)
JUDGE

JAMMU
22.12.2025
SUNIL

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

