

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

WP(C) No.2531/2025

AB. KHALIQ

...Petitioner/Appellant(s)

Through: Mr. Musavir Mir, Advocate

Vs.

MST. RAJA AND ORS.

...Respondent(s)

Through:

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

14.10.2025

(ORAL)

1. Petitioner herein in the instant petition has challenged order dated 02.07.2024 passed by Sub Divisional Magistrate, Beerwah Budgam, (for short "the appellate court") as well as order dated 17.09.2025 passed by the Financial Commissioner (Revenue)/Commissioner Agrarian Reforms J&K (for short" the Revisional court").

2. Facts emerging from the record would reveal that petitioner herein had filed an appeal against Mutation No.3326 dated 14.03.1995 in respect of estate of one Mst. Khurshi, being his grandmother and as per the said Mutation the said estate was devolved upon the brother of the petitioner's mother namely Ramzan alone on the ground that the mother of petitioner have had surrendered and relinquished her rights and claims in the said estate in favour of her above named brother.

3. The Mutation was challenged in the appeal supra on 26.03.2018 after almost more than 18 years and the said appeal consequently came to be dismissed on the question of limitation by the appellate authority in terms of order dated 02.07.2024, aggrieved whereof the petitioner herein filed a revision petition before the Additional Commissioner with powers of the Divisional Commissioner who, upon considering the said revision petition made a reference thereto the Financial Commissioner (Revenue and recommended setting aside of Mutation as also remanding of the matter back

qua the estate of the deceased to the concerned Tehsildar for attestation of fresh mutation as per the Muslim Personal Law, where upon the Financial Commissioner (Revenue) while considering the said reference, however, in terms of the order dated 17.09.2025 rejected the reference and upheld the Mutation and dismissed the revision petition filed by the petitioners herein.

4. Perusal of the record available on the file, inasmuch as the case set up by the petitioner herein before both the appellate as well as the Revisional authority, reveals that the petitioner herein indisputably has called in question the Mutation in question after a considerable period of time, without having expressed any sufficient cause or plausible, reason for questioning the said Mutation after such long period of time. Otherwise also, perusal of the order of the Revisional court tends to show that the Mutation in question had been attested in presence of the mother of the petitioner who had relinquished her claim over the estate of the deceased in favour of her brother at the time of attestation of the mutation in question.

5. A closer examination of the impugned orders would reveal that both the forums have passed reason orders and seemingly have not committed any perversity or illegality thereof.

6. Under these circumstances, the Court is not inclined to exercise discretion and interfere with the impugned orders.

7. Resultantly the petition fails and is accordingly **dismissed**.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

14.10.2025

Ishaq

Whether order is speaking ? *Yes/No*

Whether approved for reporting ? *Yes/No*