

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

Reserved on: 19.02.2026
Pronounced on 08.04.2026
Uploaded on 09.04.2026

Whether the operative part or full
judgment is pronounced: Full

CJ Court:

LPA No. 16/2020

1. Sansaro Devi, Age 70 years ...Petitioner(s)/Appellant(s)
W/o Late Sh. Mangat Ram
2. (i) Kanta Devi, Age 46 years
W/o Mahesh Kumar
(ii) Mohit Dogra, Age 29 years
S/o Mahesh Kumar
(iii) Shivam Dogra, Age 22 years
S/o Mahesh Kumar
All R/o Village Kundorarian,
Teh. & Distt. Jammu.
3. Tilak Raj, Age 43 years
S/o Late Sh. Mangat Ram
4. Raj Kumar, Age 36 years
S/o Late Sh. Mangat Ram
5. Sanjay Kumar, Age 34 years
S/o Late Sh. Mangat Ram
6. Ajay Kumar, Age 32 years
S/o Late Sh. Mangat Ram
7. Laxhmi Devi, Age 40 years
D/o Late Sh. Mangat Ram
8. Nitu Devi, Age 38 years
D/o Late Sh. Mangat Ram
-All residents of Village
Kundorarian, Tehsil and District
Reasi.
Appellants No. 1 to 5, 7 and 8
through Appellant No. 6 being a
Attorney holder.

Through: Mr. Rahil Raja, Advocate &
Mr. Amit Bhardwaj, Advocate

v/s

.... Respondent(s)

1. Suram Singh (Dead) represented by Sh. Sher Singh S/o Sh. Soba Ram R/o Katra, Tehsil Katra, District Reasi.
 2. Sanjay Dogra, S/o Late Sh. Sita Ram.
 3. Vikas Dogra, S/o Late Sh. Sita Ram.
 4. Kamal, S/o late Sh. Sita Ram.
 5. Shanti Devi W/o late Sh. Sita Ram.
 6. Dina Nath S/o Sh. Lahoru.
 7. Chanchalla, D/o Lahoru.
 8. Dwarka D/o Lahoru.
 9. Mohini D/o Lahoru.
- Respondent No. 2 to 9 residents of village Hut Chalwal, Tehsil Katra, District Reasi.

Through:

Mr. O. P. Thakur, Sr. Advocate with
Mr. R. K. S. Thakur, Advocate

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

JUDGMENT

'OSWAL-J'

1. This intra-court appeal is directed against the judgment dated 11.10.2019 rendered by the learned Single Judge in WP(C) No. 2587/2019, titled '*Sansaro Devi & Ors. v. Suram Singh (deceased), represented by Sher Singh & Ors.*', whereby the writ petition preferred by the appellants has been dismissed.
2. The appellants assail the judgment primarily on the ground that the learned Single Judge dismissed the writ petition without adverting to the essential facts required for adjudication. It is contended that the petition was dismissed solely by noting the Caveator's statement regarding the

Tehsildar's demarcation on 31.08.2019, without recording any independent reasons. Furthermore, the appellants urge that the learned Single Judge failed to consider a vital legal question as to whether the Tribunal, vide its order dated 25.06.2019, could legally delegate the determination of respondent No. 1's possession over non-agricultural land to authorities under the Agrarian Reforms Act, 1976. The appellants maintain that such a claim falls exclusively within the jurisdiction of the Civil Court. Finally, it is contended that the Tribunal's observation that the order of the Regional Director dated 14.03.2015 and order of the Collector dated 07.08.1999 had become redundant, is misconceived, as those proceedings concerned a different category and portion of land within the same survey number.

3. Heard learned counsel for the parties and perused the record.
4. Before addressing the parties' contentions, it is necessary to summarize the lengthy and complex litigation history between them.
5. The seeds of this litigation were sown when the erstwhile owners of land under Survey No. 771/33, situated at Village Kundorarian, Tehsil Reasi, namely Hira Singh and Tej Ram executed a sale deed on 11.01.1969. By virtue of this sale deed, 1 kanal out of the total 3 kanals and 16 marlas was sold to Suram Singh, represented by Respondent No. 1.
6. The erstwhile owner, Hira Singh, instituted a civil suit for permanent prohibitory injunction against Amaru and others to prevent construction upon land measuring 3 kanals and 16 marlas. During the proceedings, Suram Singh was arrayed as a defendant pursuant to an application filed by him. Thereafter, the suit was converted into one for the restoration of

possession concerning the whole of the subject land. Mutation bearing No. 520 dated 21.03.1976 came to be attested in favour of Suram Singh in respect of land measuring 01 kanal purchased by him vide sale deed dated 11.01.1969. After the enactment of the Agrarian Reforms Act, 1976, the said suit came to be transferred to the Collector, Agrarian Reforms. Ex-owner Hira Singh further allegedly sold 01 kanal of Land to Prem Nath, who was relative of Suram Singh (owner of 01 kanal of land). Despite the fact that Suram Singh was party to the said proceedings before Collector, ex-owner and predecessor-in-interest of appellants, namely- Amaru entered into a compromise that led to withdrawal of suit by ex-owner-Hira Singh, as Amaru restricted his claim to only 01 kanal and 10 marlas of land and Hira Singh made statement that sale deed executed in the year 1969 was silent about the description of property and no Tatima Shajra was attached with the sale deed.

7. The order of withdrawal was assailed by Suram Singh through an appeal, which the Joint Commissioner, Agrarian Reforms, accepted on 05.04.1989. The case was subsequently remanded to the Collector specifically regarding 01 kanal portion purchased by Suram Singh. On 31.12.1991, the Collector directed the Tehsildar to demarcate the land and deliver the possession to Suram Singh. This order was then impugned by Amru before the Joint Commissioner, Agrarian Reforms, who, on 22.08.1994, remitted the matter for *de novo* inquiry. Suram Singh preferred a revision against this order before the J&K Special Tribunal. On 02.09.1996, the Tribunal disposed of the revision, observing that points 1 to 6 of the remand order were not to be construed as judicial

findings, but rather as guidelines for the final determination of the controversy.

8. Collector (SDM Reasi), vide order dated 07.08.1999 held that the Suram Singh cannot be put in possession of land purchased by him and relegated him to civil court. It was also observed that Suram Singh had concealed the fact that he had sold 10 marlas of land out of 01 kanal claimed by him, to Mangat Ram. Suram Singh filed appeal against the order dated 07.08.1999 before Addl. Deputy Commissioner Udhampur (with powers of Commissioner, Agrarian Reforms), but vide order dated 31.03.2006, the appeal was dismissed. The order dated 31.03.2006 was assailed before J&K Special Tribunal through the medium of revision petition, which was allowed on the ground that Additional Deputy Commissioner had no jurisdiction to decide the appeal as the powers of appellate authority were vested with Regional Director, Survey and Land Records. Accordingly, Suram Singh filed appeal before Regional Director, Survey and Land Records, Udhampur, who vide order dated 14.03.2015 decided the same and it was held that provisions of Agrarian Reforms Act, do not apply to land measuring 01 kanal purchased by Suram Singh and relegated him to civil court. The revision petition was preferred by Suram Singh against the order dated 14.03.2015 before J&K Special Tribunal and vide order dated 25.06.2019, the learned Tribunal while disposing of the matter observed that in view of proceedings initiated against the mutation orders in terms of orders dated 03.10.2013 and 01.11.2013, the proceedings before Collector, Agrarian Reforms and Director Land Records have become redundant.

9. Order dated 25.06.2019 was impugned by the appellants before the learned Single Judge through the medium of OWP No. 2587/2009 on the ground that the learned Tribunal could not have placed reliance on the orders dated 03.10.2013 and 01.11.2013 and further that Suram Singh had already sold the land measuring 10 marlas to Mangat Ram. The learned writ court vide order dated 11.10.2019 dismissed the writ petition.
10. It would be apt to observe that during the pendency of the proceedings arising out of suit, mutation under Section 4 of Agrarian Reforms Act came to be attested on 03.04.1991 in favour of Amaru regarding land measuring 1 kanal 10 marlas and subsequently, on 02.12.1991, mutation under Section 8 of Agrarian Reforms Act was also attested in his favour conferring ownership rights upon him. These mutations were assailed by Suram Singh through the medium of appeal before Addl. Deputy Commissioner, Agrarian Reforms, Reasi (Commissioner, Agrarian Reforms), who vide order dated 03.10.2013 set aside the mutations and directed the restoration of position as it existed prior to attestation of mutation. Further, Tehsildar Reasi was directed to conduct a fresh enquiry. This order was assailed by the appellants through the medium of revision petition before learned Special Tribunal and vide order dated 01.11.2013, the revision petition was disposed of and it was directed that the order of remand shall remain intact till the enquiry is completed by Tehsildar and the order to the extent of restoration of position existing before attestation of mutation, was modified and it was directed that none of the parties will act upon the wordings used by the appellate authority and evict either of the parties.

11. The bone of contention between the contesting parties pertains to the identification of the subject land and possession thereof. It is the contention of respondent No. 1 that while attesting mutation under Section 4 of the Agrarian Reforms Act, Suram Singh's land was improperly incorporated into the mutation map. The appellants place considerable reliance upon the Collector's order dated 07.08.1999; however, such reliance is predicated on the fact that the Tatima appended to sale deed of 1969 was not before the Collector. Notably, the said Tatima was later produced by Suram Singh before the Regional Director, Survey and Land Records, and we have had the occasion to examine the same.
12. It was vehemently argued by learned counsel for the appellants that Suram Singh had sold 10 marlas of land to Mangat Ram, whereas the learned Senior Counsel for the respondent No.1 has submitted that the said sale deed was never acted upon and existed in papers only. Learned Tribunal in its order dated 25.06.2019 in revision petition filed by the respondent No.1 has taken note of the fact that the land purchased by Suram Singh is further subjected to sale in the year 1969 to the tune of 10 marlas does not directly concern the respondents/appellants. No document has been brought to our notice qua the cancellation of sale deed dated 24.01.1969, whereby Suram Singh had sold 10 marlas of land to Mangat Ram out of 1 kanal of land purchased by him. It is not forthcoming that once 10 Marlas of land was sold by Suram Singh, then how mutation No. 50/JEEM could be attested in favour of Sher Singh on the basis of will. We would not like to comment upon validity of same, in absence of complete facts and material, particularly absence of will pursuant to which mutation was

attested. It was rightly observed by the learned Tribunal that the proceedings before the Collector and the Regional Director, Survey and Land Records, had been rendered otiose, the controversy being confined to the identification and possession of the land. The appellate authority's order dated 03.10.2013, which set aside the mutations in favour of the appellants' predecessor-in-interest, ultimately stood modified by the Tribunal vide its order dated 01.11.2013.

13. The Tehsildar stands enjoined to conduct a *de novo* inquiry to determine the extent of the land under Survey No. 771/33 in the cultivating possession of Amaru. In these proceedings, the appellants may demonstrate their possession over 01 kanal and 10 marlas of agricultural land and can also raise a plea with regard to respondent No. 1's right to only 10 marlas of land. This is also true that the revenue authorities are acting under the provisions of Agrarian Reforms Act and if any issue arises with regard to handing over possession of non-agricultural land to respondent No.1, then the remedy is before civil court.
14. Perusal of the record reveals that the demarcation process was initiated under the strength of orders dated 25.06.2019, 03.10.2013, and 01.12.2013, culminating in the Tehsildar's order dated 31.08.2019. Aggrieved by the same, the appellants preferred an appeal before the Commissioner, Agrarian Reforms, which resulted in dismissal vide order dated 14.11.2019. We are informed that the said order of dismissal has been further assailed by the appellants before the appropriate forum.
15. Having examined the impugned order, we find no grounds to interfere with the findings of the learned Single Judge and leave the authorities free

to proceed in accordance with orders passed by the learned Tribunal and what has been observed by us in para-13 of the judgment. The parties are free to project their claims and counter claims before the authorities, in seisin of the matter. The appeal is accordingly disposed of.

16. Original record be sent to the concerned authority.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU
08.04.2026
Karam Chand

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

