

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

WP(C) No. 2534/2026

CM No. 5508/2026

Ashok Kumar

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

Through: Mr. Muzzafar Ali Shah, Advocate &
Mr. Sayed Majid Shah, Advocate
Mr. Anam Anjum, Advocate
Mr. Syed Hejab Ul Nisa, Advocate

vs

UT of J&K and ors.

..... Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG with
Ms. Sagira Jaffar, Advocate

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
19.08.2026

1. With the consent of learned counsel for both the sides, this writ petition is taken up for final disposal. The present writ petition has been filed by the petitioner for quashing of order dated 14.03.2022 passed by the Additional Deputy Commissioner, Rajouri, respondent No. 2 herein, whereby the respondent No. 2 has cancelled the Mutation Nos. 133 and 134 each dated 07.07.2010 attested in terms of Government Order Nos. LB6/C of 1958 and S-432 of 1966, pertaining to the land falling under khasra No. 78 min measuring 30 kanals situated at Village Panaar, Tehsil Kalakote, District Rajouri. The order impugned has been assailed by the petitioner on the ground that the same has been passed without jurisdiction and authority of law as the respondent No. 2 has exercised powers which are not vested in him under the provisions of the J&K Land Revenue Act. It is further stated that the respondent No. 2 could not have exercised powers of review in respect of orders passed by his subordinate revenue officers as the power of

review under section 13 of the J&K Land Revenue Act is restricted and cannot be involved to review the orders passed by another authority. It is further stated that the order impugned has been passed in gross violation of principles of natural justice as no notice whatsoever was issued to the petitioners before passing the order impugned and no opportunity of hearing was afforded to him. It is further stated that the rights accrued in favour of the petitioner pursuant to duly attested mutations could not have been nullified behind the back of the petitioner through a unilateral administrative order, as such, the impugned action of the respondent No. 2 is arbitrary, unreasonable and violative of Articles 14 and 21 of the Constitution.

2. Learned counsel for the petitioners has relied upon the judgments passed by the Coordinate Bench of this Court in WP(C) No. 2571/2021, titled, **Mohd. Farooq and others vs. U. T. of J&K and others** and in WP(C) No. **1588/2026, titled, Om Parkash vs. U. T. of J&K and others**. He submits that that no opportunity of being heard has been afforded to the petitioner while passing the order impugned. Learned counsel for the petitioner has submitted that the Mutation Nos. 133 and 134 were attested in favour of the petitioner under Govt. Order Nos. LB6/C of 1958, S-432 of 1966 and 254/C of 1965 respectively. However the respondent No. 2 without having any power under the Land Revenue Act, has cancelled the mutations.
3. Vide order dated 14.08.2026, Ms. Sagira Jaffar, Advocate had waived the notice and sought time to report instructions. Today, Ms. Monika Kohli, learned Senior AAG has caused appearance on behalf of the respondents and on instructions, she submits that the order impugned dated 14.03.2022

was passed by the Additional Deputy Commissioner, Rajouri without affording due opportunity of hearing to the petitioner. As such, she submits that appropriate orders may be passed.

4. Heard learned counsel for the parties and perused the record.
5. The Mutation Nos. 133 and 134 admittedly were attested in favour of the petitioner under Govt. Order Nos. LB6/C of 1958, S-432 of 1966 and 254/C of 1965. In terms of Section 13 of the Jammu and Kashmir Land Revenue Act, the Additional Deputy Commissioner, Rajouri, respondent No. 2 herein, who happens to be Collector, has not been vested with power to review/recall the order of the revenue officer subordinate to him i.e. Tehsildar/Naib Tehsildar. Furthermore, the Deputy Commissioner has no power under the Land Revenue Act to exercise the revisional power. In fact, the controversy involved in the instant petitions is squarely covered by the above referred judgments of this Court.
6. In view of the above, the order impugned dated 14.03.2022 passed by respondent No. 2 to cancel the mutations attested in favour of the petitioner, is quashed. However, it shall be open to the competent authority under the Land Revenue Act to pass appropriate orders in respect of the subject land after affording opportunity of being heard to the petitioner, of course in accordance with law.

(RAJNESH OSWAL)
JUDGE

Jammu
19.08.2026
Rakesh PS

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