

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

**WP(C) No. 1746/2020
CM NO. 5142/2020**

Makhan Lal Bhat and others

...Petitioner(s)

Through: Mr. Mudasir Bin Hassan, Advocate

Vs.

**Union Territory of J&K through
Financial Commissioner (Revenue)
and Others**

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

**ORDER
04.07.2026**

1. One Rattan Lal Bhat was an estate holder whose estate is situated in Chowdhary Gund Tehsil and District Shopian.
2. Said Rattan Lal Bhat is said to have died intestate who at the time of his death was survived by five **brothers** namely **Balkrishan Bhat, Makhan Lal Bhat, Triloki Nath Bhat, Bushan Lal Bhat** and **Maharaj Krishan Bhat**.

3. One of the brothers namely **Makhan Lal Bhat**-petitioner No. 1, of late Rattan Lal is natural father of **Tej Krishan Bhat**-petitioner No. 5.
4. A purported mutation of inheritance No. 29 dated **14.08.2014** came to be attested qua estate of Rattan Lal Bhat exclusively in favour of Tej Krishan Bhat-petitioner No. 5 by his purported status as an adopted son, thereby excluding the real brothers of Rattan Lal Bhat who otherwise were supposed to succeed to his estate in absence of Class-I heir.
5. Mutation No. 29 dated **14.08.2018**, was purportedly attested by Tehsildar concerned.
6. The respondent No. 4 **Bal Krishan Bhat**, one of brothers of estate holder Rattan Lal Bhat, preferred a revenue revision before the Financial Commissioner (Revenue) J&K on File No. **712/FC/AP of 2018** to challenge attestation of mutation No. 29 dated **14.08.2018** which resulted in its acceptance by the learned Financial Commissioner (Revenue) J&K holding that without anything on record to prove that Tej

Krishan Bhat, respondent No. 1 in the said revision petition, who is the petitioner No. 5 in the present petition had been actually taken adoption by the estate holder Rattan Lal Bhat and that said Tej Krishan Bhat is known by the parentage of his adopted father, there was no occasion for the Tehsildar concerned to indulge in attestation of mutation of inheritance by presence only of two of the brothers of the deceased Rattan Lal Bhat at the time of attestation of mutation.

7. Admittedly, no adoption deed that too a registered one, with respect to so called adoption of the petitioner No. 5-Tej Krishan Bhat by said Rattan Lal Bhat was available at the disposal of petitioner No.5-Tej Krishan Bhat to come forward to cite and stake claim for inheritance qua estate of Rattan Lal Bhat. Thus, on mere ipse dixit of the petitioner No. 5, the Tehsildar concerned was not to be led to carry out deviation of inheritance of deceased Rattan Lal Bhat which in absence of **Class I heirs under**

the Hindu Succession Act 1956 would have gone in favour of **Class II sub Clause (II)** legal heirs that being his brothers and sisters as the case may be.

- 8.** The petitioner No. 5-Tej Krishan Bhat was also having no civil court declaratory decree in his favour to operate with respect to his proclaimed legal status in terms of his parentage by adoption against other available legal heirs of Rattan Lal Bhat.
- 9.** In view of the aforesaid position of law, this Court does not find Financial Commissioner (Revenue) J&K falling in any error of judgment, be as on fact or law, in passing the order dated 28.08.2019 and remanding the matter back to the Tehsildar concerned for attestation of a fresh mutation after a detailed enquiry by providing all concerned an opportunity of being heard.
- 10.** This Court is, thus, not inclined to grant this writ petition at the instance of the petitioners which is accordingly, **dismissed** along with connected CM/s.

11. Copy of this order be forwarded to the Financial Commissioner (Revenue) J&K to be taken on File No. **712/FC/AP of 2018** and also to the Tehsildar, Shopian for acting in compliance to the direction of the learned Financial Commissioner (Revenue) J&K with respect to conduct of the enquiry.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
04.07.2026
Imtiyaz