

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(THROUGH VIRTUAL MODE)**

Case: LPA No. 162/2026 in WP(C) No. 1746/2020
CM No. 4746/2026

Trilok Nath Bhat and ors.

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

Through :- Mr. Mudasir Bin Hassan, Advocate.
v/s

Union Territory of J&K and ors.

.....Respondent(s)

Through :-

**CORAM: HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE**

ORDER
28.07.2026

(ORAL)

01. This intra court appeal by the appellants filed under Section 12 of the Letters Patent is directed against the order and judgment dated July 04, 2026 passed by the learned Single Judge of this Court [**“the Writ Court”**] in WP(C) 1746/2020 titled ***Makhan Lal Bhat and ors. Vs. Union Territory of J&K and ors.*** whereby the Writ Court has dismissed the petition filed by the appellants challenging the order dated August 28, 2019 passed by the Financial Commissioner (Revenue)/Commissioner Agrarian Reforms, J&K, Jammu, in File No. 712/FC/AP, titled ***Bal Krishen Bhat vs. Tej Krishen Bhat and ors.***

02. Briefly stated the facts leading to the filing of this petition are that one Rattan Lal Bhat, an estate holder died intestate leaving behind five brothers namely, Bal Krishan Bhat, Makhan Lal Bhat, Triloki Nath Bhat, Bhushan Lal Bhat and Maharaj Krishan Bhat. Since the estate holder Rattan Lal Bhat had died issue less and, therefore his estate, in normal course, was to be inherited by

his brothers. However, his estate came to be attested in favour of the appellant No.-3-Tej Krishan Bhat by the Tehsildar concerned in terms of Mutation No. 29 dated, August 14, 2018 on the ground that Late Rattan Lal Bhat had not died issueless but was survived by the appellant as his *adopted son*.

03. Feeling aggrieved, one of the brothers of Late Rattan Lal Bhat, namely, Bal Krishan Bhat, assailed the said Mutation before the Financial Commissioner (Revenue) (for short '**the Commissioner**') by way of filing a Revision Petition under Section 15 of the Land Revenue Act. The Revision Petition came to be disposed of by the Commissioner in terms of its order dated August 28, 2019, holding that the Mutation impugned was not attested in accordance with law. The Commissioner concluded that at the time of attesting the Mutation, only two of the five brothers of the estate holder had been associated, one of them being the father of Tej Krishan-appellant no.3. The Commissioner also found that there was no enquiry conducted with regard to the natural father of the appellant and the property, if any, inherited by the appellant from his natural father.

The matter was remanded to the Tehsildar concerned for attesting the fresh Mutation after holding a detailed inquiry and after providing an opportunity of being heard to the all concerned. This order was assailed by the appellants before the Writ Court in WP(C) No. 1746/2026 which stands dismissed in term of order and judgment impugned in the present appeal.

04. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Writ Court is in full accord with the law and, therefore, does not call for any interference by us.

05. Admittedly, at the time of attestation of the Mutation before the Tehsildar concerned all the estate holders were not present and, therefore, the mutation attested was in clear breach of the principles of natural justice.

06. That apart, the status of the appellant as an '*adopted son*' of late Rattan Lal Bhat, the estate holder, is yet not established. The issue as to whether the appellant Tej Krishan Bhat is an adopted son of Late Rattan Lal Bhat, is subject matter of adjudication in a Civil Suit filed by the appellant for '***declaration and permanent injunction***' pending before the Court of learned Munsiff Shopian.

07. Unless, his status as adopted son of late Rattan Lal Bhat is declared by the competent authority/competent court, no Mutation in his favour to the exclusion of other legal heirs, viz., the brothers of Late Rattan Lal Bhat, can be attested. It is indisputable that the appellant is not relying on any written adoption deed which is admissible in evidence, rather the plea of the appellant is oral and subject to determination by a competent court

08. For the reasons stated herein above, we concur with the view taken by the Writ Court and do not find any merit in this appeal.

09. The present appeal is, accordingly, dismissed.

(MOHD. YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
CHIEF JUSTICE (A)

JAMMU
28.07.2026
Sunita