S.No. 10
Reg. List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CR 35/2017

MST. SARWA ...Petitioner/Appellant(s)

Through: Mr. M. Ashraf Wani, Advocate with
Mr. T.A Lone, Advocate

V/s

ABDUL SALAM ...Respondent(s)

Through: Mr. S. R. Hussain, Advocate

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
16.10.2024

1. Without any purpose, this petition is pending on the docket of this Court given the fact that the petitioner is aggrieved of non-entertainment of her application under J&K Land Revenue Act, Svt, 1996 seeking partition of the land property of estate holder Ama Itoo.
2. Tehsildar (Assistant Collector 1st Class) Anantnag declined the entertainment of application saying that it is not in accordance with the Partition Rules and returned the same to the applicant for completion and presentation in terms of order dated 19.01.2016.

3. 2nd application made for the same very purpose also came to be declined in terms of entertainment by the Tehsildar (Assistant Collector 1st Class) Anantnag on a technical ground.
4. Tehsildar (Assistant Collector 1st Class) Anantnag, is a statutory authority under J&K Land Revenue Act, Svt, 1996 who is supposed to bear in mind that J&K Land Revenue Act Svt, 1996 does not envisage the partition seeker to be fully literate person to be well versed with all the nuances of Partition Rules and forms prescribed there under for the purpose of presentation of an application particularly when made not through any counsel and in that eventuality it is incumbent upon the revenue officer concerned to lend an assisting hand to an applicant in the matter of laying of a proper application for the purpose rather than rejecting the application.
5. In view of the aforesaid, the order dated 29.04.2016 of the Tehsildar (Assistant Collector 1st Class) Anantnag is set aside. The petitioner Mst. Sarwa is entitled to present an application for the purported purpose of seeking partition of the land in reference before the competent revenue officer. In the eventuality of any such application being preferred by Mst. Sarwa, whether individually or joined by some other co-applicant, against respondent Abdul Salam or for that

matter any other co-respondent, then the concerned revenue officer shall entertain and adjudicate the application on merits and pass an appropriate order in the light of Partition Rules framed under J&K Land Revenue Act, Svt, 1996.

6. **Disposed of.**

(RAHUL BHARTI)
JUDGE

SRINAGAR
16.10.2024
"S.Nuzhat"