Serial No. 31

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 165/2024
CM No. 370/2024
c/w
WP(C) No. 782/2024
CM Nos. 1883/2024, 2336/2024

Rattan Lal and others .....Appellant(s)/Petitioner(s)

Through: Mr. G. S. Thakur, Advocate.

vs

ADC Reasi and others ..... Respondent(s)

Through: Ms. Sagira Jaffar, Advocate vice
Ms. Monika Kohli, Sr. AAG
Ms. Pallavi Sharma, Advocate vice
Mr. Ravinder Gupta, AAG
Mr. Sandeep Singh, Advocate.

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

ORDER
25.11.2026

WP(C) No. 165/2024

1. The predecessor-in-interest of the petitioners, namely, Paras Ram had consented for disposal of the appeal, preferred by the respondent No. 3 against mutation No. 874 attested under Section 4 and mutation No. 920 attested under Section 8 of the Agrarian Reforms Act regarding land measuring 08 Kanal comprising Survey No. 932 situated at Village Kotli Manotrian, Tehsil Katra, District Reasi and on the basis of consent of both the parties, mutations were set aside vide order dated 16.03.2016 and the matter was remitted to Tehsildar for conducting de novo enquiry under Agrarian Reforms Act.

2. The petitioners through the medium of present petition have assailed the order dated 16.03.2026 primarily on the ground that predecessor in

interest of the petitioners was not in a fit state of mind and as such, the Appellate Authority i.e. Additional Deputy Commissioner with powers of Commissioner Agrarian Reforms, Reasi could not have passed the order impugned pursuant to the consent of the predecessor-in-interest of the petitioners.

3. The contesting respondent has filed response, thereby disputing the contention raised by the petitioners for the purpose of assailing the order impugned through the medium of present petition.

4. Having heard learned counsel for the parties, this Court is of the considered view that the controversy raised by the petitioners involves disputes questions of facts, which cannot be adjudicated by this Court while exercising power of judicial review under Article 226 of the Constitution of India to examine the validity of the order impugned passed by the Appellate Authority.

5. Otherwise also, in terms of order impugned, the matter has been remitted for de novo enquiry by the Tehsildar concerned and the petitioners are well within their right to project their claims/counter claims against the respondent No. 3 before the Tehsildar concerned.

6. Accordingly, with the above observations, the writ petition is disposed of.

7. This court is sanguine that the Tehsildar concerned shall pass appropriate order within a period of three months from the date of receipt of certified copy of this order, after affording due opportunity of hearing to all the interested parties.

8. **Disposed of.**

WP(C) No. 782/2024

1. Learned counsel of the parties submit that entitlement of the compensation shall depend upon the outcome of the proceedings before the Tehsildar concerned, in terms of directions issued by this Court in the connected matter, and accordingly submit that the present petition be disposed of with this observation that the entitlement of the parties to the compensation shall remain subject to outcome of proceedings before the Tehsildar concerned, notwithstanding the right of the affected party to assail the adverse order passed by the Tehsildar concerned through appropriate remedies as available under law

9. With the above observations, this petition is also **disposed of accordingly.**

(RAJNESH OSWAL)
JUDGE

Jammu
25.11.2026
Sahil Padha

Sahil Padha
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I attest to the accuracy and
integrity of this document