

Government of Jammu & Kashmir
Office of the Financial Commissioner (Revenue), J&K

Website: www.jkfcrr.nic.in E-mail: jkfinancialcr@gmail.com

Divisional Commissioner,
Kashmir/Jammu

Commissioner, Survey & Land Records, J&K

Deputy Commissioner(s) (All)

No: FC-STAT/8/2021-06(50921)

Dated:-30.12.2022

Subject: Remand cases.

Sir/Madam,


I am directed to invite your kind attention towards this Office's Order No.461/FC-AP dated 26.07.2022 & 18.08.2022 followed by the communication dated 17.08.2022, 11.10.22 and Circular instructions dated 05.09.2022 (all available on RCCMS portal) wherein for the timely disposal of the Remand cases , it was ordered that:-

- (i) All the matters remanded to any revenue authority shall henceforth be uploaded on RCCMS portal within 07 days i.e latest by 5th August 2022 which further extended to 25th August 2022 with directions to Deputy Commissioners to initiate action against those who do not furnish the information regarding remand cases within the prescribed period.
- (ii) All such cases to be decided within three months i.e by 31st October 2022.
- (iii) Deputy Commissioners shall ensure compliance and submit the information on the subject as per the prescribed format.

On account of the poor response to the aforesaid instructions, Financial Commissioner Revenue (J&K) has taken the matter seriously and directed that:-

- (a) All the Deputy Commissioners to ensure that all remand cases are uploaded on RCCMS, inquire into select cases and submit the report by 10th of Jan, 2023
- (b) All remand cases are to be decided/acted upon by 15th of Feb 2023.
- (c) Reasons for delay beyond this date be explained and if not satisfactory, Deputy Commissioner to initiate disciplinary action.

Yours faithfully,


30/12/2022

(Rishpal Singh) JKAS
Additional Commissioner (Central)
With Financial Commissioner (Revenue)
J&K.

Copy to the Reader to Financial Commissioner Revenue,(J&K) / Jt. FCR with the directions that in case of remand, a copy of the same be necessarily sent to Deputy Commissioner concerned for further necessary action henceforth.

Government of Jammu & Kashmir
Office of the Financial Commissioner (Revenue) J&K

E-mail address- jkfinancialcr@gmail.com

Subject: - Remand Cases.

ORDER NO:- 461/FC-AP
DATED :- 26.07.2022

Remand in common parlance means sending back the case to trial Court either for disposal or for recording the evidence/giving a finding on an issue. The concept of remand has its legal backing from Rule 23 and Rule -25 of Order XLI of CPC. However, it has often been seen the matters remanded by this Court and other appellate Courts of Revenue Department or any other competent forum are not disposed off in a reasonable period of time, which defeats the objective of remand.

Now, therefore to ensure timely disposal of all such cases, it is hereby ordered that:-


- i. all the matters remanded to any revenue authority shall henceforth be uploaded on RCCMS, portal. This task shall be completed within 7 days, latest by 5th August 2022.
- ii. all such cases shall be decided within three months, i.e. by 31st October 2022.
- iii. Deputy Commissioners shall ensure compliance and submit the information on the subject on below mentioned format within a week's time.

S. No.	Title of the Case remanded	Authority of remand	Date of remand	Progress as on date

By Order of Financial Commissioner Revenue, J&K

No: 166/FC/Adm/2022

Dated: 26-07-2022


26/07/22
(Rishpal Singh), JKAS

Additional Commissioner (Central) with
Financial Commissioner (Rev)
J&K

Copy to:

1. Commissioner Secretary to Govt, Revenue Department J&K.
2. Divisional Commissioner Kashmir/Jammu
3. All Deputy Commissioners.
4. All Additional Deputy Commissioners/ACRs/SDMs/Tehsildars for information and compliance.
5. P.A to the Financial Commissioner Revenue for information of FCR



Government of Jammu & Kashmir UT
Office of the Financial Commissioner (Revenue), J&K
Website: www.jkfcrl.nic.in -mail jkfinancialcr@gmail.com

Deputy Commissioners (All),

No:- FC-STAT/8/2021-06(50921)

Dated:-18-08-2022

Subject:- Remand Cases.

Sir(s)/Madam (s),

In continuation of this office letter No. FC-STAT/8/2021-06(50921) dated 17-08-2022, kindly take note that:-

1. While uploading the remand cases of previous years on RCCMS portal, at the time of case registration by the reader, in the "service name", from the drop down list, the option of remand from higher forum should be selected. This will facilitate monitoring of the remand cases.
2. Wherever a higher forum remands a matter to a subordinate forum, at the time of final disposal before it, the higher forum is given the option to indicate if the matter has been remanded and if so, to whom. This option should be correctly filled by all the higher forums; so that, the remand case appears in the inbox of the subordinate forum.

In view of very poor compliance of order No:- 461/FC-AP dated 26-07-2022, the FCR has desired that each Deputy Commissioner shall initiate disciplinary action against those not furnishing the information of remand cases and upload on RCCMS by 25th August latest.

By order of Financial Commissioner Revenue, J&K.

Yours faithfully,

18.08.2022

Pawan Kotwal, (JKAS)
Administrative Officer
with Financial Commissioner (Rev) J&K

Copy to the:-

1. Divisional Commissioner, Kashmir/Jammu to ensure compliance.

Government of Jammu & Kashmir
Office of the Financial Commissioner (Revenue) J&K
Website: www.jkfcrr.nic.in E-mail Id: jkfinancialcr@gmail.com

Subject: General instructions to Revenue Courts

C I R C U L A R

It has been noticed that there is delay in disposal of Revenue Court Cases due to procedural reasons like non-submission of records on time, time taken in serving the parties, etc. Also, there are instances of forum hunting or exercise of powers not vested in an officer. Accordingly, following instructions are being issued for strict compliance by Revenue Courts:-

1. References made to the FCR Court pursuant to Section 15 (3) of Land Revenue Act by Divisional Commissioners (and Additional Commissioners exercising powers of Divisional Commissioners) as well as Commissioner (Survey and Land Records, J&K) should necessarily mention a specific date for the parties to cause their presence before the Court of Financial Commissioner (Revenue); further, such a date shall not be earlier than three (03) weeks from the date of announcement of order making reference.
2. While remanding a case to a subordinate authority, the Court remanding the matter should necessarily indicate a specific date for the parties to present themselves before the subordinate forum to which the case is remanded and the latter shall, while considering the aspect of natural justice and service of the parties, take into account the presence of the parties before the court which remanded the matter.
3. At the time of presentation of the Petition, the Revenue Courts shall ensure that they update RCCMS with the Mobile Numbers/Email addresses of the Parties and their Advocates for expeditious disposal of the case and in particular, to facilitate service of parties through electronic mode.
4. Timely submission of the records has to be necessarily ensured by the concerned Revenue Officer. The medium of RCCMS be used for summoning as well as submission of records. After 30th September, unless specifically directed by Revenue Court, the entire process will be carried out only online, through RCCMS. Any reminders shall be viewed adversely, and such instances shall be taken note of from the RCCMS.
5. In cases involving mutations, it has often been observed that "PARAT PATWAR" of a mutation is placed on record while the "PARAT SARKAR" is reported as 'not-traceable.' To address this matter, it is directed that every Tehsildar shall, by 30th September 2022:-
 - a) furnish a soft copy as well as scanned copy of "PARAT SARKAR" to the concerned Central Record Room. This will be in addition to the procedure presently in vogue regarding the deposition of mutations.
 - b) ensure that scanned copy of "PARAT SARKAR" of each and every mutation is uploaded on the Land Records Portal. This shall apply to all the already attested mutations as well as any mutation attested hereinafter.

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5.9.22

- c) furnish list of any mutation of which "PARAT SARKAR" is not available to the DC along with the officials responsible for the same after conducting summary inquiry. The DC shall compile and submit these details to the FCR while also initiating necessary disciplinary action. The DC shall submit ATR on monthly basis.

6. It has been observed that the Orders of Revenue Officers like Tehsildars/Naib Tehsildars, which otherwise are appealable before the Collectors concerned, are directly being challenged by way of revision petitions before the Court of Financial Commissioner (Revenue) as well as Divisional Commissioners / Commissioner Survey & Land Records, without availing the remedy of appeal. Similarly, under Agrarian Reforms Act, Additional Deputy Commissioners have been vested with the powers of Commissioner Agrarian Reforms within their respective Districts for hearing appeals against the orders of Collectors or Revenue Officers of rank lower than that of Collector, but instead of approaching the said forum, the appeals are directly preferred before this Court. This not only over-burdens the Revisional Courts but also causes inconvenience to the litigants, especially those belonging to far-flung districts apart from legal ramifications of forum hunting, reduction of forums provided by the statute among other things. In this regard, the Hon'ble High Court in LPA No. 193/2019 Dated 10.02.2020 titled "**Abdul Hamid and Ors Versus Divisional Commissioner Jammu and Ors**", has held as under:-

"The matter needs to be examined from another angle, that is to say that, if any party as per his choice is left open to avail the remedy of appeal or revision, same may result in forum hunting. Against the same order the aggrieved party may choose a forum more suitable to him. This cannot be left to the parties aggrieved. A definite system has to be in place which is well defined and applicable to one and all, not leaving it to the option of the party concerned. This has serious ramification even on the opposite party as his remedy to appeal against the order passed by the appellate authority in case an order goes against him is taken away, if at the very first instance revisional jurisdiction is invoked by the opposite party."

The Hon'ble High Court in the above said judgment has also held as under:-

"Before parting with this case, we deem it appropriate to direct that, to avoid generation of unnecessary litigation and forum hunting by the parties, all the authorities under different statutes in the state, who pass the quasi-judicial order or even administrative orders against which a statutory remedy is provided under the applicable law and a period of limitation also prescribed, shall mention on the preface of the order itself about the authority before whom the order can be challenged in appeal or by way of any other remedy and also the period of limitation for the purpose. As there is a widespread practice prevalent here in the Union Territory amongst officers to exercise powers, which are not vested in them, it shall also be mandatory for them to specify in the order, the provisions of the relevant statutes/rules under which the order has been passed."

The Hon'ble High Court has directed circulation to the concerned officers for compliance. Accordingly, all the revenue courts are directed to take note of these instructions.

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7. In furtherance to the categorical directions of the Hon'ble High Court, it is directed that while passing any orders, the Revenue Officers shall ensure that before going into details, in the very beginning:
- a) they shall specify in the order, the provisions of relevant statutes / rules under which the order has been passed.
 - b) they shall mention the authority before whom the order can be challenged in appeal or by way of any other remedy and also the period of limitation for the purpose.
8. Any final Order by Revenue Officer which disposes off a Petition shall necessarily be uploaded on the RCCMS portal(rccms.jk.gov.in) and a proof thereof shall be placed on file.
9. It has been observed that while processing and attesting mutations or signing official communications, Revenue officers/officials do not disclose their name and designation. It is enjoined upon all the Revenue Officers/Officials to henceforth disclose their names and designation on mutations and communications, necessarily. DCs are directed to ensure compliance and in case of violation of this instruction despite advice, initiate necessary disciplinary action.
10. While issuing certified copy of orders / mutations, etc., the issuing authorities shall ensure that the names and designation of the signing / attesting officers are invariably mentioned clearly. Also, the names and designation of officials involved in the process of attestation shall also be mentioned clearly.

Sd/-
(Shaleen Kabra), IAS
Financial Commissioner (Revenue)
J&K
Dated:-05.09.2022

No:- 667/FC-AP

Copy to the:-

1. Commissioner /Secretary to Govt. Revenue Department, J&K.
2. Divisional Commissioner, Kashmir/Jammu.
3. Joint Financial Commissioner, J&K.
4. Commissioner, Survey and Land Records, J&K.
5. Addl. Commissioner, FCR office for follow-up and ensuring compliance.
6. Deputy Commissioner _____ (All).
7. Regional Director, Survey and Land Records, _____ (All).
8. Additional Deputy Commissioner, _____ (All).
9. Assistant Commissioner (Rev)/Sub Divisional Magistrate, _____ (All).
10. Tehsildar, _____ (All).
11. Nodal Officer, RCCMS in the FCR office for n/a.
12. President Revenue Bar Association, Jammu/Kashmir.


05/09/2022
(Rishpal Singh) JKAS
Additional Commissioner (Central)
With Financial Commissioner Revenue
J&K