

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP(C) No. 1032/2023

Ramnik Kour Sethi, aged 47 years
W/o. Sh. Karanbir Singh Sethi
R/o. H. No. 55/1, Nanak Nagar,
Jammu

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

Through: Mr. Parvesh Singh Salaria, Adv.

vs

- | | |
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| <ol style="list-style-type: none"> 1. Union Territory of J&K through
Commissioner/Secretary to Govt.
Revenue Department, Civil
Secretariat, Srinagar/Jammu 2. Divisional Commissioner, Jammu 3. Deputy Commissioner, Samba 4. J&K Housing Board, A/D Block,
Green Belt Part, Gandhi Nagar,
Jammu 5. Tehsildar, Bari Brahmana | <p>..... Respondent(s)</p> |
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Through: Ms. Monika Kohli, Sr. AAG
Mr. Amit Gupta, Adv.

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

ORDER
27.12.2023

1. The petitioner has filed the present petition for restraining the respondents from taking over the possession of the land measuring 08 kanals bearing Khasra No. 826 min situated at Village Birpur, Tehsil Bari Brahmana, District Samba without adopting due procedure of law and further prayer has been made for directing the respondents to remove the pillars erected by them illegally without acquiring the land owned by the petitioner.
2. The petitioner claims to be the owner of the land mentioned above and the same was purchased by her by virtue of two sale deeds dated 25.03.2017 and 29.04.2017. It is further averred that the mutations have

also been attested in favour of the petitioner in respect of aforementioned land.

3. The respondent No. 4 has filed the response, stating therein that the Deputy Commissioner, Samba was requested for identification of land for development of housing colony/flatted accommodation at Village Birpur, District Samba. He was requested by virtue of letter dated 06.05.2021 to furnish revenue papers of State land measuring 55 kanals under khasra No. 1763 at Birpur, Tehsil Bari Brahmana, District Samba and in response to the same, the Deputy Commissioner, Samba vide communication dated 11.08.2021 furnished the revenue papers of the State land measuring 56 kanals and 16 marlas comprising survey No. 1763 situated at Village Birpur. It is further averred that a formal indent was placed with the Deputy Commissioner, Samba for transfer of the above mentioned land and the Deputy Commissioner, Samba vide communication dated 30.01.2023 submitted the case to the Divisional Commissioner, Jammu regarding transfer of the State land measuring 45 kanals falling under khasra No. 1763 at Village Birpur, Tehsil Bari Brahmana, District Samba in favour of the J&K Housing Board for development of housing colony/flatted accommodation. The Divisional Commissioner, being the competent authority, vide order dated 20.02.2023 has sanctioned the transfer of 45 kanals of land comprising khasra No. 1763 situated at Village Birpur, Tehsil Bari Brahmana, District Samba in favour of Housing and Urban Development Department, Government of J&K for development of housing colony/flatted accommodation. Pursuant to the order of transfer, the land

mentioned above was transferred to the J&K Housing Board and the same has been properly demarcated by the revenue authorities i.e. Tehsildar Bari Brahmana, Naib Tehsildar Bari Brahamana, Girdawar and Patwari Birpur and after its proper demarcation, the possession of the land has been formally handed over to respondent No. 4.

4. In view of the response filed by the respondents, it is evident that the respondents have no concern with the land claimed to be owned by the petitioner, accordingly, the present writ petition is disposed of by directing the respondents not to interfere into the peaceful possession of the petitioner over the land measuring 08 kanals bearing Khasra No. 826 min situated at Village Birpur, Tehsil Bari Brahmana, District Samba without adopting due course of law and in the event, any dispute arises in respect of the location of the land, the same may be resolved by getting the land demarcated by respondent Nos. 3 and 5 in presence of the petitioner.

5. Disposed of.

(RAJNESH OSWAL)
JUDGE

Jammu
27.12.2023
Rakesh

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No