

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

LPAOW No. 59/2016

IA No. 1/2016

Shukar Singh

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

Through :- Mr. V.R Wazir, Sr. Advocate with
Mr. Abishek Wazir, Advocate

V/s

State and ors.

....Respondent(s)

Through :- Ms. Sagira Jaffar, Advocate vice
Ms. Monika Kohli, Sr. AAG

**Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

ORDER

13.07.2023

1. The private respondents herein filed a petition under Section 105 of Standing Order 23-A for correction of record and seeking attestation of fresh mutation before the Tehsildar Marh in May, 2016. However, the Tehsildar Marh did not consider and decide the petition filed by the private respondents which constrained them to approach the learned Single Judge by filing OWP No. 1648/2016. Learned Single Judge disposed of the aforesaid writ petition vide order dated 18.11.2016 by directing the Financial Commissioner, Revenue, J&K/respondent No. 3 herein to decide the petition under Section 105 of Standing Order 23-A in accordance with the provisions of rules and regulations applicable as expeditiously as possible preferably within a period of three months from the date, certified copy of the order was served on respondent No. 3.
2. Learned senior counsel appearing for the appellant submitted that the order dated 21.01.2015 passed by the respondent No. 3 has already been

challenged by the appellant in a petition bearing OWP No. 274/2015, wherein the interim order was passed and the same is still pending before the learned Single Judge. He submits that private respondents herein were also arrayed as party to contest the writ petition before the learned Single Judge. Learned senior counsel further submitted that the writ petitioners/private respondents herein while filing the writ petition bearing OWP No. 1648/2016 before the writ Court had deliberately, with a mala-fide intention not arrayed the appellant as party respondent despite the fact that the appellant herein is the effective and interested party.

3. The appellant herein being aggrieved of the order dated 18.11.2016 passed by the learned Single Judge in OWP No. 1648/2016 laid a motion seeking leave to file the appeal, which was granted by this Court vide order dated 21.12.2016 and further, vide order dated 28.12.2016, this Court has stayed the operation of the impugned judgment/order.
4. Mr. V.R Wazir, learned senior counsel stated at the Bar that the writ petition filed by the petitioner/appellant herein in which the private respondents herein are also arrayed as party respondents is pending before the learned Single Judge. Despite service, none has appeared for the private respondents, therefore, we left no option but to allow the present appeal by setting aside order dated 18.11.2016 passed by learned Single Judge, whereby the writ petition bearing OWP No. 1648/2016 has been disposed of. Accordingly, the writ petition bearing OWP No. 1648/2016 is restored by impleading the appellant herein as party respondent before the writ Court and learned Single Judge is requested to consider and decide the matter on merits after hearing the parties.
5. Appeal stands disposed of.

6. Registry is directed to list OWP No. 1648/2016 along with OWP No. 274/2015.

(Wasim Sadiq Nargal)
Judge

(Tashi Rabstan)
Judge

Jammu:
13.07.2023
Tarun

