

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

WP(C) No. 2556/2023

1. Gul Mohammad, Age 69 years Petitioner(s)/Appellant(s)
2. Zaffar Ullah, Age 76 years
Both sons of Late Mohd. Ashroo
3. Javed Iqbal, Age 55 years
S/o Late Ghulam Ahmed Thokar
All residents of Mohalla Dhumra,
Tehsil and District Doda.

Through :- Mr. Qadri Towkeer, Advocate

V/s

1. U.T. of J&K Respondent(s)
Through Commissioner/Seretary to
Govt. Jammu and Kashmir Co-operative
Department, Civil Secretariat, Jammu.
2. The Registrar,
Co-operative Societies, J&K, Jammu.
3. The Deputy Registrar,
Co-operative Societies Agri, Doda.
4. The Assistant Registrar,
Co-operative Societies Agri, Doda.
5. The Chairman,
District Co-operative Marketing Socceity,
Doda.
6. The Tehsildar, Doda.

Through :- Mr. K.D.S Kotwal, Dy. AG. for R- 1 to 5
Ms. Aparna Gupta, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R-6

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

ORDER(ORAL)
20.12.2023

01. The instant petition has been preferred by the petitioner, wherein, petitioner has prayed for seeking demarcation/identification and verification of Khasra Nos. 217 and 216 of the land situated at Mohalla Dhumra, Near Police Line, Tehsil and District Doda with a view to settle the controversy between the petitioner and the respondents.

02. Learned counsel for the petitioners submits that the respondents inspite of making requests have not carried out the demarcation and feeling aggrieved of the inaction on the part of respondents, the instant petition has been preferred.

03. Pursuant thereto, the status report/demarcation report has been filed by Tehsildar, Doda wherein the demarcation has been carried out by the concerned Tehsildar in presence of the petitioner.

04. The respondents have taken a specific stand in para 3 that in pursuant to the request made by the Assistant Registrar Cooperative Societies Block Doda vide his letter No. ARD/SS/2023-24/89-90 dated 08.06.2023, Tehsildar, Doda was requested to demarcate the land of the Cooperative Society, Doda who in turn directed the concerned Patwari Halqa Doda to conduct the demarcation of the land on spot.

05. The stand further reveals that concerned Patwari visited the spot on 22.09.2023 and conducted the demarcation of the said land of Cooperative Society and the report reveals that Khasra No. 216 min measuring $2\frac{3}{4}$ marlas have been recorded in the name of Cooperative Society, Doda.

06. As per the stand of the respondents, demarcation/measurement of the Cooperative Society land which has been acquired in the year 2013 was conducted as per the land acquisition papers and the mutation of the land acquired has been attested under mutation No. 2961 dated 20.02.2013 in favour of Cooperative Society, Doda.

07. The further stand of the respondents is that during the demarcation, the petitioner was also present on spot who in fact raised the objection that the land acquired for Cooperative Society, Doda falls under khasra No. 1450/2017 min instead of 216 min. However, as per the demarcation, it has come to the fore that the demarcation of the land on which petitioner has raised the objection was also conducted as per the record and after demarcation it was found that the land which was objected by the petitioner falls towards the western side of Doda-Dessa Road under khasra No. 216 min which falls as Shamlat land and stands acquired for Cooperative Society, Doda.

08. The further stand of the respondents is that khasra No. 1450/217 min is proprietary land of the petitioner and others falls towards Eastern side of Doda-Dessa road opposite to the khasra No. 216 min.

09. Mr. K.D.S Kotwal, learned Dy.AG. and Ms. Aparna Gupta, Advocate appearing vice Mrs. Monika Kohli, learned Sr. AAG on behalf of the respondents submits that since the only plea which has been raised by the petitioner in the instant petition is with respect to carrying out the demarcation of the land in question which has been done by the respondents and, thus, nothing remains to be adjudicated any further in the instant petition, and accordingly, they pray, the instant petition be disposed of.

10. In the light of the stand taken by the respondents with particular reference to the status report which has been filed by the concerned Tehsildar dated 13.10.2023 specifically proves that the demarcation has since been carried out and writ petition, as such, has been rendered infructuous as nothing remains to be adjudicated any further in the instant petition and, accordingly, the instant petition is disposed of.

11. However, in case if the petitioner is aggrieved of the said demarcation, he is at liberty to seek appropriate remedy under law.

12. The writ petition is *disposed* of in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

Jammu:
20.12.2023
Mihul

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No