

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

**Case:-WP(C) No. 3168/2023
CM No. 7674/2023**

- 1. Inhabitants of Village Bandi Chechian** Petitioner(s)
through Dildar Hussain Shah, age 55 years
S/o Mohd Shah R/o Village Bandi Chechian,
Tehsil Haveli, District Poonch, as well as
through petitioner Nos. 2, 3, 4 & 5.
- 2. Jamat Hussain Shah, age 58 years, S/o Mir**
Husasain Shah,R/o Village Bandi Chechian,
Tehsil Haveli, District Poonch.
- 3. Naseem Akhter, age 50 years, W/o Mohd**
Shabir, R/o Village Bandi Chechian, Tehsil
Haveli, District Poonch
- 4. Araf Hussain Shah, age 40 years S/o Mir**
Hussain Shah, R/o Village Bandi Chechian,
Tehsil Haveli, District Poonch
- 5. Mohd Imran, age 50 yars S/o Mohd Ashraf,**
R/o Village Bandi Chechian, Tehsil Haveli,
District Poonch

Through: Mr. Anil Khajuria, Advocate

Vs

- 1. Union Territory of Jammu and Kashmir,** Respondent(s)
Through Commissioner/Secretary to Govt.
Revenue Department, Civil Secretariat,
Jammu.
- 2. The Deputy Commissioner, Poonch,**
- 3. The Tehsildar, Tehsil Haveli, District Poonch**
- 4. The Commissioner Secretary, Public Works**
Department (R&B), civil Secretariat, Jammu.
- 5. The Chief Engineer, Public Works**
Department (R&B), Rail Head Complex,
Bahu Plaza, Jammu
- 6. The Executive Engineer, Public Works**
Department, (R&B), District Poonch
- 7. The Director, Directorate of Youth Services &**
Sports, M A Stadium Nowabad, Jammu.

Through: Ms. Aparna Gupta, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R-1 to 3
Mr. Ravinder Gupta, AAG for R-4 to 6

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

ORDER
22.12.2023

1. The instant petition has been filed on behalf of inhabitants of village Bandi Chechian, Tehsil Haveli, District Poonch, who are aggrieved of the damages and sufferings accrued to their property in shape of residential houses, shops and agricultural land on the side of river bed which has been endangered by soil erosion caused due to the flash flooded water of river (Darangi Nannah) which resulted on account of change of its natural water route towards the petitioners allegedly by the respondents by installation of some structures, wires' and barriers.
2. The short submissions, which have been made by learned counsel for the petitioners that the petitioners have represented in this regard before respondent Nos. 2 and 3 i.e Deputy Commissioner, Poonch and Tehsildar Tehsil Haveli, District Poonch on number of times and the latest on 24.07.2022, and the respondent No.2 had directed the respondent No.3 to visit the spot and submit a report and the respondent No.3 (Tehsildar Haveli) in turn directed the Naib Tehsildar Haveli to visit the spot and make a report in the light of the representation dated 24.07.2022, wherein, the grievances have been projected by inhabitants collectively.
3. Learned counsel appearing on behalf of the petitioners further submits that similar report has also been sought for by the respondent No.3 from the revenue officials of field staff of the area who have mentioned in his report that due to the change of natural route of water of Darangi Nallah, the land falling under Khasra Nos. 918, 939, 938, 1356, 942, 916, 940 belonging to the various persons on which the residential houses and shops are constructed, has been endangered due to the soil erosion and has caused havoc.
4. Learned counsel further submits that in spite of the reports submitted by respondent No.3 and also of the concerned Naib Tehsildar, Tehsil Haveli, who have suggested that in case the appropriate measures for restoring the natural route of water of Darangi Nallah is not restored, there will be eminent danger of the lives of more than 500 souls of the said village and feeling aggrieved of the same, the petitioners have filed detailed representation

before respondent No.2 and till date the said representation has not been considered. Learned counsel further submits that the petitioners would feel satisfied, if the instant petition is disposed of by directing the respondents to accord consideration to the representation of the petitioners within some reasonable period.

5. Issue notice to the respondents, which is waived by Ms. Aparna Gupta, assisting counsel to Mrs. Monika Kohli, learned Sr. AAG on behalf of respondent nos. 1 to 3 and Mr. Ravinder Gupta, learned AAG for respondent Nos. 4 to 6. They submit that they are not averse to the said proposition, however, the representation will be accorded consideration, strictly under rules and as per law.

6. With the consent of learned counsel for the parties, the instant writ petition is **disposed of**, with a direction to the respondents to consider the claim of the petitioners projected in the representation and take a decision thereon, strictly under rules and as per law and pass consideration order within a period of six weeks from the date a certified copy of the order passed today along with complete set of writ petition is made available to the respondents.

7. **Disposed of** as above.

Jammu
22.12.2023
Vijay

(Wasim Sadiq Nargal)
Judge

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