

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

**Case:-WP(C) No. 3223/2023  
CM No. 7795/2023**

**Abdul Rehman, Age 76 years,  
S/o Sh. Abdul Gani,  
R/o Sial Sallan, Tehsil & District  
Udhampur.**

..... Petitioner(s)

Through: Mr. S.S. Ahmed, Advocate.  
Mr. Zulqarnain Choudary, Advocate.  
Mr. Sayed Majid Shah, Advocate.

**Vs**

- 1. UT of J&K Th.  
Commissioner/Secretary, Revenue  
Deptt., Civil Secretariat, Jammu**
- 2. The Deputy Commissioner,  
Udhampur;**
- 3. The Additional Deputy  
Commissioner,  
Udhampur;**
- 4. The Assistant Commissioner  
(Revenue),  
Udhampur;**
- 5. The Tehsildar, Udhampur.**

..... Respondent(s)

Through: Ms. Aparna Gupta, Advocate vice  
Mrs. Monika Kohli, Sr. AAG.

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

**ORDER  
27.12.2023**

1. Through the medium of instant petition, petitioner seeks the following reliefs:-

**“1. MANDAMUS:-Commanding the respondents to decide the petitioner's application dated 31.12.2012 for making correction in the revenue record with regard to the wrong entry of 'Rasta' in the ownership land of the petitioner comprised in Khasra Nos. 404 and 416 and wrong entry of 16 marlas 'Rasta' shown in Khasra No. 405 at village Saial Sallan, Udhampur as per spot verification;**

**II. Commanding the respondents to pass appropriate orders on the representation of the petitioner dated 16-08-2023 made in the shape of Legal Notice wherein the petitioner sought correction in the revenue record with regard to the wrong**

**entry of 'Rasta' in the ownership land of the petitioner comprised in Khasra Nos. 404 & 416 and wrong entry of 16 Marlas Rasta shown in Khasra No. 405 at Village Sial Sallan, Udhampur is required to be corrected as per spot position;**

**Prayer for grant of any other interim or final relief as may be deemed fit and appropriate in the facts and circumstances of the case.'**

2. The facts under the shade and cover of which the instant petition has been filed are that the petitioner is owner in possession of the land measuring 28 Kanals 18 Marlas situated at Village Sial Sallan, Tehsil & District Udhampur. The said land is comprised in Khasra Nos. 404 and 416 respectively. In the said land, there was no 'Bandobasti Rasta' as per the revenue record, but during the last settlement operation of the village conducted in the year 2005-2006, the land of the petitioner were given fresh Khasra Numbers, i.e., 404 & 416 and 16 Marlas of land was wrongly recorded in Khasra No. 405 as 'Shara-e-Aam', as the said land is the proprietary land of the petitioner and the same was illegally and arbitrarily reflected under Khasra No. 405 in the name of one-Jagat Ram and others.

3. Learned counsel for the petitioner submits that the petitioner being aggrieved of the aforesaid illegal act of the officials of the Revenue Department filed an application on 31.12.2012 to the Settlement Commissioner, J&K for correction of the records and in this regard, the then Patwari Halqa, Sangoor, Tehsil Udhampur made a comprehensive report dated 13.02.2013, wherein it has been categorically reported that from the perusal of the records and 'Aks Shajra', there was no 'Rasta' recorded in the revenue record. The said report also reveals that during latest Settlement Operation, the land in question has been shown in two Khasra numbers i.e. 404 & 416 and land measuring 16 Marlas was reflected in new Khasra No. 405 and styled as "Shara-e-Aam" and in the cultivation column, there is no reference of the rights of the petitioner

as 'Maroos' or 'Allottee'. Learned counsel also submits that the land measuring 16 Marlas mentioned in Khasra No. 405 on which the petitioner has applied for correction, has been converted into a Nallah on which the PWD Department has put a slab and has started a construction of road over the same. It is also submitted that vide No. SOJ/R/12/479 dated 28.03.2013, the Settlement Officer, Jammu referred the aforesaid matter to the respondent No. 5 for doing the needful, as the correction was required to be done through normal Revenue hierarchy and the petitioner after patiently waiting for eight years filed a fresh application on 08.02.2021 before the respondent No. 4-Assistant Commissioner Revenue, Udhampur for making correction in the revenue record with regard to the wrong entry of 'Rasta' in his ownership land at Village Sial Sallan, Tehsil Udhampur and further directions to the PWD for stoppage of work in the proprietary land of the petitioner. The respondent No. 4 vide Communication No. ACRU/SQ/3915-17 dated 09.02.2021 forwarded the said application of the petitioner to the respondent No. 5-Tehsildar, Udhampur for appropriate action under rules, but nothing has been done by the said respondent till date.

4. Learned counsel for the petitioner further submits that the land of the petitioner has remained a subject matter of a long drawn litigation, which has finally got culminated on 13.06.2023 with the dismissal of the writ petition being OWP No. 462/2004 titled, **"Sunil Kumar Vs. J&K Special Tribunal and ors."** by this Court. He further submits that the petitioner served a legal notice to the respondents dated 16.08.2023 for making necessary corrections in the revenue record by deleting the entry of Rasta from the ownership land of the petitioner and to keep the record straight and also to ensure the relocation of the Nallah illegally constructed by PWD, but the respondents remained silent on the same and did not pay any heed to it. The petitioner being aggrieved of the

aforesaid inaction on the part of the respondents, has approached this Court by way of instant writ petition.

5. Learned counsel for the petitioner submits that the petitioner would feel satisfied, if the instant writ petition is disposed of by directing the respondents to treat the instant writ petition as representation and accord consideration to the same within some reasonable period.

6. Notice.

7. Ms. Aparna Gupta, assisting counsel to Mrs. Monika Kohli, Sr. AAG waives notice on behalf of the official respondents. She submits that the respondents have no objection, if the instant writ petition is directed to be treated as representation and same is accorded consideration strictly in accordance with the rules and as per law.

8. With the consent of learned counsel for the parties and keeping in view the facts and circumstances of the case, the instant writ petition is disposed of, at the threshold, with a direction to the respondent Nos. 2 and 5 to consider the claim of the petitioner by treating this writ petition as representation and take a decision thereon, strictly under rules and as per law and pass a consideration order within a period of six weeks from the date a certified copy of this order alongwith complete set of writ petition are made available to the said respondents.

9. *Disposed of*, as above alongwith connected application.

(Wasim Sadiq Nargal)  
Judge

Jammu  
27.12.2023  
Ram Krishan

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