

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

LPA No. 214/2018
CM No. 570/2023
IA No. 1/2018
CM No. 5438/2023

Raghunath Ram Ji Mandir
Shair Bagh, Anantnag
Through
Mahant Ganesh Dass S/o Mahant Madav Dass
R/o Anantnag
Manager, Poojari, Raghunath Ram Ji Mandir,
Shair Bagh, Anantnag

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

Through :- Mr. Rahul Pant, Sr. Advocate with
Mr. Anirudh Sharma, Advocate

V/s

1. Tej Nath Koul S/o Late Sh. Jia Lal
Koul R/o Originally resident of
Nazuk Mohalla Anantnag, Presently
House No. 3, Lane No. 3, Bharat
Nagar, Ban Talab Jammu.
2. Babloo S/o Sh. Nath Ji Koul
Originally resident of Nazuk
Mohalla Anantnag, Presently House
No. 3, Lane No. 3, Bharat Nagar,
Ban Talab Jammu
3. Sandeep Koul S/o Sh. Makhan Lal
Koul
R/o Originally resident of Nazuk
Mohalla Anantnag, Presently House
No. 3, Lane No. 3, Bharat Nagar,
Ban Talab Jammu
4. State of Jammu and Kashmir throug
Commissioiner/Secretary to
Government Revenue Department,
Civil Secretariat, Jammu/Srinagar.

....Respondent(s)

Through :- Mr. Sudesh Sharma, Advocate

**CORAM: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

ORDER

11.07.2024

1. One of the grounds for impugning the judgment of the writ Court is that the judgment has been passed against dead person, petitioner No. 4 in the writ petition whose legal representatives were not brought on record.

2. It is submitted by Mr. Sudesh Sharma, learned counsel for the private respondents that as petitioner No. 4 namely Omkar Nath Bhat in the writ petition had expired during the pendency of the writ petition, therefore, he had laid motion for bringing on record his legal heirs. However, the writ petition was decided without deciding the said application. Learned counsel for the respondents herein has no objection in case the matter is remanded back to the writ Court for fresh consideration of the writ petition.

3. In view of the aforesaid position, the LPA is disposed of by setting aside the judgment impugned and matter is remanded back to the learned writ Court for fresh consideration on merits uninfluenced by the judgment impugned in the present appeal

4. We request the learned writ Court to consider the application in the first instance for bringing on record legal heirs of writ petitioner No. 4, if any, pending and pass appropriate orders before proceeding further in the matter.

5. It is also submitted that respondent Nos. 2 & 3 have also passed away and their legal representatives have been brought on record in the present appeal vide order dated 08.09.2023 passed in CMP No. 3343/2022. It is submitted by Mr. Sudesh Sharma, learned counsel for the respondents herein that the particulars of the legal heirs of respondent Nos. 2 & 3 as mentioned in the said application are not correct, therefore, he seeks and is granted time to lay motion by disclosing the correct particulars of legal heirs of respondent Nos. 2 & 3 before the Writ Court.

6. Registry to restore OWP No. 826/2015 and list the same.

7. Appeal stands disposed of.

(Puneet Gupta)
Judge

(Tashi Rabstan)
Judge

Jammu:
11.07.2024
*Tarun**