

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRIINAGAR

WP(C) 3067/2024 CM(8347/2024)

RAJ RAINA KANDHARI ...Petitioner(s)/Appellant(s)

Through: Mr. Syed Faisal Qadri, Sr. Advocate with
Ms. Maria Ashraf, Advocate

Vs

UNION TERRITORY OF J AND K (REVENUE) ...Respondent(s)
AND ORS

Through:

CORAM:
HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
30.12.2024

1. In the instant petition, petitioner herein is seeking direction upon the respondents to undertake an inquiry under Section 94 of the Jammu & Kashmir Land Revenue Act and to conduct a detailed demarcation of the petitioner's property, thereby retrieving the land under illegal occupation.
2. It is stated that the inaction on part of the respondents to adhere to the provisions of Jammu & Kashmir Land Revenue Act (SVT), 1996, in redressing the grievance of the petitioner has resulted into violation of the provisions of Chapter IX of the Act.
3. The petitioner is a registered Migrant with the Department of Relief & Rehabilitation (Migrants), Jammu. During the period of turmoil that erupted in the valley, the petitioner registered under the migrant category with registration bearing No. 1760/1 dated 23.12.1998. The petitioner had left behind an estate measuring 15 Marlas falling under Survey Nos. 218 & 219, situated at Budshah Nagar, Chanapora, Srinagar. This property was purchased by the petitioner by virtue of a registered Sale Deed executed and got registered on 29.01.1981 by the late father of the petitioner.
4. It is stated that the petitioner filed an application to the District Magistrate, Srinagar on 03.02.2021, seeking retrieval of her

encroached land. The District Magistrate, Srinagar directed Tehsildar concerned to conduct an enquiry regarding the land in question. On 09.06.2022, the Tehsildar, Chanapora, submitted a report to the District Magistrate, indicating that out of 15 Marlas of land owned by the petitioner, only 11 Marlas and 89 ft. existed on the spot, making a shortfall of 04 marlas, pointing towards unauthorized occupation by the encroachers. Consequently, the petitioner was constrained to take recourse to the provisions of Jammu & Kashmir Land Revenue Act and filed an application under Section 94 of the Jammu & Kashmir Land Revenue Act with the Deputy Commissioner, Srinagar, on 29.06.2024.

5. Learned senior counsel for the petitioner states that despite the report of the Tehsildar dated 09.06.2022, no action has been taken by the respondents on the application made under Section 94 of the J&K Land Revenue Act. Learned senior counsel further states that the petitioner would be satisfied if the instant petition is disposed of with a direction to the respondents to undertake an inquiry under Section 94 of the Land Revenue Act and to conduct a detailed demarcation of the petitioner's property, retrieving the land under illegal occupation of the encroachers as stated in the report of the Tehsildar dated 09.06.2022.
6. In view of the above, instant petition is disposed of with a direction to the respondents to undertake an inquiry under Section 94 of the Jammu & Kashmir Land Revenue Act on the application made by the petitioner on 29.06.2024 and to conduct a detailed demarcation of the petitioner's property, thereby retrieving the land under illegal occupation, if any. Respondents 4 & 5 are directed to complete the inquiry within a period of four weeks' from the date of passing of this order, as per the applicable rules and law.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
30.12.2024
Aamir