

Regular List
Serial No. 10

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

OWP No. 11/2015

Date of pronouncement : **15.12.2025**

Uploaded on : **17.12.2025**

Usha Devi & Ors.

....Petitioners

Through:- Mr. K.S. Puri, Advocate

V/s

State of J&K & Ors.

....Respondents

Through:-

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)**

- 01.** This writ petition admits of disposal as in doing so this Court would not be entering into the arena of adjudication on merits of the purported claims of the petitioners for their respective entitlement qua the land as referred in para-9 of the writ petition which admittedly is a State Land and for which it is the Deputy Commissioner, (Collector) Poonch, who is supposed to consider the respective claims of the petitioners either by his own authority under the **J&K Land Revenue Act, 1996** or refer the case for consideration of the authority whomsoever is

competent to entertain the purported claim of the petitioners as displaced persons entitled to hold onto the land as mentioned in para-9 of the writ petition by reference to **Government Order No. Reh-371 of 1971 dated 09.09.1971.**

- 02.** The institution of this writ petition was originally by six (06) petitioners all introducing themselves to be residents of village Ajote, tehsil Haveli, district Poonch and all being displaced persons of 1947 from POK (Pakistan Occupied Jammu and Kashmir region) having come to this part of the State/Union Territory of J&K which is now UT of J&K, having settled in village Ajote, tehsil Haveli, district Poonch.
- 03.** All the petitioners referred themselves to have validly figured in form 'Alif' (A) of 1954 by reference to their respective head of the family so as to qualify them to be acknowledged as displaced persons entitled to allotment of land for cultivation as envisaged under **Government Order No. 578-C of 1954** read with subsequent Govt. orders related to conferment of ownership rights qua the agriculture land so allotted.
- 04.** In the present case, the petitioners have come forward with khasra girdawari record to show as to

how all of them at their individual level came to be recorded in cultivation possession of land comprised in Khasra Numbers 280 min, 919/253 and 927 min/280 situated at village Ajote, tehsil Haveli district Poonch.

- 05.** The purported cause of action for the petitioners to come forward with the present writ petition was when they had perceived a course of action from the end of the local district administration in carving out the plots for residential purposes for rehabilitation of flood affected families and for that purpose the land as reflected in cultivation possession of the petitioners in terms of the khasra girdawari was meant to be appropriated meaning thereby an intended ouster of the petitioners from the use and occupation of the said state land.
- 06.** The petitioners, thus, came forward with the present writ petition claiming following reliefs :-

“It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased enough to issue an appropriate writ, order or command including the writ of Mandamus commanding the respondents not to evict the petitioners from land in the shape of Arak and Kap in possession of the petitioners comprised under

khasra nos.280 min, 919/253 and 927 min/280 situated at village Ajote, Tehsil Haveli, Distt. Poonch.

Any other writ, order or command to which the petitioners are found entitled in the facts and circumstances of the case may also be issued in favour of petitioners”.

- 07.** This Court, in terms of an order dated 03.01.2015, came to direct status quo to be maintained which status quo has carried on all alone during the pendency of this writ petition from the date of its institution on 03.01.2015.
- 08.** Reply to the writ petition came to be filed on behalf of the respondents on **09.03.2015** agitating therein that the petitioners have no right or concern with the land so comprised in aforesaid khasra numbers as being the state land and that the occupation of the petitioners vis-à-vis state land is that of an unauthorized occupants.
- 09.** It is pleaded that the khasra girdawari entries reflecting the petitioners to be in cultivation possession are procured by stealth which came to be corrected by Naib Tehsildar.

10. The corrected version of the khasra girdawari restored the use and occupation back to the State.
11. The correction of khasra girdawari reflecting the ouster of the petitioners from the record is being referred to 2016 itself meaning thereby changes being affected in the face of status quo direction so given in the order dated **03.01.2015**.
12. Be that as it may, still it is not for this Court to be a judge of entitlement of the petitioners with respect to their respective claim qua the land mentioned in para-9 of the writ petition on account of being displaced persons.
13. The cause of action which had actually precipitated concern for the petitioners to come forward before this Court with the present writ petition was when their ouster was intended, otherwise, the writ petition from the end of the petitioners would have been last call after having first exhausted all the authorities concerned which are supposed to consider the respective claim/s of the petitioners for granting them legitimacy in terms of use and occupation of the land in reference.

14. Therefore, this writ petition is disposed of with a direction to the respondent No. 2-Deputy Commissioner, (District Collector), Poonch to consider the respective claims of the petitioners as to whether on account of the displaced persons are they entitled to salvage and safeguard so-called cultivating possession of the land in khasra numbers 280 min, 919/253 and 927 min/280 situated at village Ajote, tehsil Haveli district Poonch with respect to the state land and if their entitlement is held to be justifiable then to consider the respective claim of the petitioners in terms of **Govt. Order No. Reh-371 of 1971 dated 09-09-1971.**

15. Needful exercise to be done by the Deputy Commissioner, (District Collector), Poonch by according individual hearing to the petitioners with the petitioners being at liberty to supplement their claims with all documentary proofs before the Deputy Commissioner, Poonch.

16. This writ petition is accordingly, ***disposed of.***

17. Needful exercise to be done within a period of three months from the date of receipt of a certified copy of this order along with full compilation of the writ

petition accompanied with its documents to be submitted by the petitioners to the Deputy Commissioner, (District Collector), Poonch.

18. *Disposed of.*

**(RAHUL BHARTI)
JUDGE**

**JAMMU
15.12.2025
SUNIL**

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

