

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

LPA No. 36/2025 in
[WP(C) No. 615/2023]
CM No. 1161/2025
CM No. 1162/2025
CM No. 1163/2025

1. Makhan Singh, age 58 years Appellant/Petitioner(s)
S/O Sh. Mewa Singh
2. Sukhvinder Kour, age 42 years
W/O Sh. Jasbir Singh,
both residents of Village Supwal,
Tehsil Vijaypur, District Samba

Through: Mr. Dhiraj Chowdhary, Advocate

Vs

1. Sakriya Nagrik Sanstha through its Respondent(s)
convenor Col. (Retd) S. D. Sharma
S/O Sh. Nanak Chand,
R/O Village Supwal,
Tehsil Vijaypur,
District Samba.
2. U.T. of J&K through
Commissioner/Secretary,
Revenue Department, Civil Secretariat,
Jammu.
3. Commissioner/Secretary,
Forests, Environment and Fisheries
Department, Civil Secretariat, Jammu.
4. Divisional Commissioner, Jammu.
5. Deputy Commissioner, Samba.
6. Tehsildar, Vijaypur, District Samba.

Through:

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE**

ORDER

03.03.2025

CM No.1161/2025

1. This is an application filed by the applicants seeking leave to file the above titled appeal.
2. It is submitted that the non-applicant no.1 herein has filed writ petition bearing WP(C) No. 615/2023 in which it has sought directions to the

respondents therein to restore the Gair Mumkin Choi (Nallah) Water Body, drainage and channel, situated at Village Supwal, Tehsil Vijaypur, District Samba.

3. It is further submitted that the learned Writ court, while issuing notice, and without hearing to the applicants herein, has passed the order dated 11.02.2025, which is impugned herein, whereby the Deputy Commissioner, Samba is directed to take action against the encroachers and file a detailed affidavit in this regard by the next date of hearing, and the case was fixed for hearing on today i.e. 03.03.2025.

4. It is submitted that the applicant no.1 filed application before Tehsildar Vijaypur, District Samba on 17.02.2014, for demarcation of his land and the said application was disposed of by the concerned on 03.11.2014.

5. It is further submitted that the applicant no.1 is an ex-serviceman, who purchased 6 marla plot of land comprising under Khasra No.398 min, Khata no.126 min and Khewat No.4 situate at Supwal, Tehsil and District Samba from one Chuni Lal S/O Gangu R/O Supwal, Samba by way of a sale deed dated 23.11.2005 registered by the Sub Registrar, Samba on the same day.

6. It is further submitted that the respondent no.1 has not arrayed the applicants in his Writ Petition (C) No. 615/2023 as party. And, the learned Writ Court vide order dated 11.02.2025, passed directions to respondent no.3-DC, Samba to take action against the encroachers and file detailed affidavit before the next date of hearing.

7. The applicants, herein being the affected parties are aggrieved of the order impugned passed by the learned Single Judge on the ground that the impugned order has been passed at their back because they, being the affected parties, were not arrayed as parties and heard in the writ petition. In this

backdrop, the appellants have filed the appeal at hand challenging the impugned order on the grounds pointed above.

8. Under the circumstances, the leave is granted.

9. We direct the Registry to make the appellants as party respondents no.7 and 8 in WP(C) No. 615/2023 and update the cause title of the writ petition accordingly.

10. The appeal is disposed of by providing that the appellants shall file their objections to the main writ petition as well as lay motion seeking modification/alteration of the order impugned dated 11.02.2025 within a period of ten day from today positively before the learned Single Judge.

11. In the event, appellants file application seeking modification/alteration of order dated 11.02.2025 within the stipulated period, we make a request to learned Single Judge to consider and decide such modification/alteration application at the earliest.

12. If the modification/alteration application is filed within ten days before the learned Single Judge, and till the same is considered by the learned Single Judge, status quo qua the appellants be maintained by the parties.

13. With the aforesaid directions, the appeal stands disposed of.

(MA Chowdhary)
Judge

(Tashi Rabstan)
Chief Justice

Jammu
03.03.2025
Raj Kumar

Whether the order is reportable? : Yes/No.

Whether the order is speaking? : Yes/No.