

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

Case:- WP(C) No. 571/2025

Balwant Raj and Anr.

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

Through: Mr. M. A. Bhat, Advocate

Vs

UT of J&K and Ors.

..... Respondent(s)

Through: Mr. Vishal Bharti, Dy. A.G

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

ORDER
(10.03.2025)

- 01.** After arguing for a while, when learned counsel for the petitioners was confronted with the maintainability of the instant petition as serious disputed questions of facts are involved in the instant petition, he submits that he will feel satisfied at this stage, in case, a direction is issued to the revenue authorities to constitute a team to carry out the demarcation of the land measuring 15 kanals falling in khasra No. 690-min, village Panjgrain, Tehsil Nagrota, Jammu within some reasonable period.
- 02.** Learned counsel for the petitioner also submits that he has filed a detailed representation in this regard before the Tehsildar Nagrota with a request for seeking demarcation of the land in question which till date, has not been done and feeling aggrieved of the same, he has filed the instant petition wherein, disputed questions of facts are involved.
- 03.** The petitioner through the medium of the instant petition has sought following reliefs:-

“Mandamus- Commanding and directing the respondents to

allow the demarcation of the land of the petitioners measuring 15 kanals covered under khasra no.690 min situated at Panjarian Tehsil Nagrota District Jammu be conducted by the concerned Revenue Officers/officials for ascertaining the boundaries of the land of the petitioners; and for the issuance of further writ of-

Prohibition- Restraining the respondents from causing any unnecessary and unwarranted interference into the peaceful ownership and possession land of the petitioners measuring 15 kanals covered under Khasra no.690 min situated at Panjarian Tehsil Nagrota District Jammu without any authority of law; and for the issuance of Writ of-

Prohibition- Restraining the respondents particularly respondent no.3 and 4 from illegally and forcibly occupying the ownership land of the petitioners and transferring the land of petitioners covered under khasra no.690 min situated at Panjgrian Tehsil Nagotra District Jammu to any third person without any authority of law;....”

- 04.** It is the fair admission on the part of learned counsel for the petitioners that as on date, the demarcation has not been carried out and in absence of demarcation, the relief which has been claimed in the instant petition cannot be acceded to and thus, the writ petition in the light of admission on part of the learned counsel for the petitioner is not maintainable and liable to be dismissed.
- 05.** Mr. Vishal Bharti, learned Dy. A.G submits that the only relief which has been claimed by the petitioners in the instant petition is seeking a direction against the respondents to allow the demarcation of the land in question.
- 06.** Mr. Bharti, learned Dy. A.G further submits that from a bare perusal of the record, it is apparent that the petitioners have preferred a representation before the Tehsildar Nagrota for carrying out the demarcation and yet, the Tehsildar Nagrota who is necessary party has not been arrayed as party respondent in the instant petition and thus, no direction can be issued in absence of the Tehsildar Nagrota being party respondent in the instant petition.

- 07.** At this stage, learned counsel for the petitioners submits that he has no

grievance insofar as the revenue authorities are concerned who are willing to carry out the demarcation in pursuant to the representation filed by the petitioners but it is the Forest Department which is obstructing in carrying out the said demarcation and this is the precise reason that he has not arrayed revenue authority as party respondent, although, Tehsildar is also a necessary party in the instant petition before whom the said representation has been filed and on the oral request of Mr. Bhat, Tehsildar Nagrota, has been arrayed as party respondent.

08. Since disputed questions of facts are involved in the instant petition, this Court is not inclined to entertain the instant petition as the same is not maintainable.

09. Learned counsel for the petitioners when confronted with the maintainability of the instant petition seeks withdrawal of the instant petition with liberty to pursue his remedy by way of filing fresh representation before Revenue Authority for demarcation of the land in question in presence of the authorities of the Forest Department who has raised objection of such demarcation.

10. In the aforesaid backdrop, the writ petition is dismissed as withdrawn with liberty as prayed for.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
10.03.2025
Tarun/PS