

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

Case:- WP(C) No. 768/2021

1. Bishambar Dass; Age 60 years
S/o Late Sh. Shiv Ram
R/o Haripur Brahmana
Tehsil Hiranagar, District Kathua
2. Ram Paul, Age 50 years
S/o Late Sh. Shiv Ram
R/o Haripur Brahmana
Tehsil Hiranagar, District Kathua

.....Petitioner(s)

Through: Mr. Ankur Sharma, Advocate.

Vs

1. Union Territory of Jammu & Kashmir
Through its Commissioner/Secretary,
Jal Shakti Department
Civil Secretariat, Srinagar/Jammu.
2. The Assistant Executive Engineer (A.E.E),
Ravi Canal Construction Lower (RCC) Sub-Division, Chadwal,
At office of Assistant Executive Engineer RCC Lower,
Sub-Division, Chadwal.
3. Rakesh Kumar
S/o Amarnath
R/o Haripur Brahmana,
Tehsil Hiranagar, District Kathua.

.....Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(02.07.2025)

01. The cause of action which drove the two petitioners both being the real brothers with the institution of the present writ petition is when they came to be visited with a notice No. SD/C/392-95 dated 03.04.2021 issued by the respondent No. 2 –

Assistant Executive Engineer (A.E.E.), Ravi Canal Construction (RCC) Lower, Sub-division Chadwal wherein it came to be alleged that the petitioners have encroached upon the departmental land of the Ravi Tawi Irrigation on SM-1 of M-2 near RD 4050 (Downstream of old Samba-Kathua Road) by way of ploughing which was obstructing the free movement of man/machinery and, as such, the petitioner were called upon to remove the same.

02. The petitioners in their writ petition came forward with the plea that the issuance of notice was a false pretext in order to deter the petitioners from objecting to the game plan of the respondent No. 3, a private individual, who intended to use the same very land site of the Ravi Tawi Irrigation as '*to and fro*' passage for the purpose of creating a cement dump-yard at the site of agricultural field including the land of the petitioners and other agriculturists of the area in village Haripur Brahmana tehsil Hiranagar.

03. The respondents No. 1 and 2 in their reply to the writ petition have come forward with a plea that the action on the part of the answering respondents was meant to safeguard the government land along the canal and, as such, the answering respondents did not mean to benefit any private individual, be it the respondent No. 3 or for that matter including the petitioners.

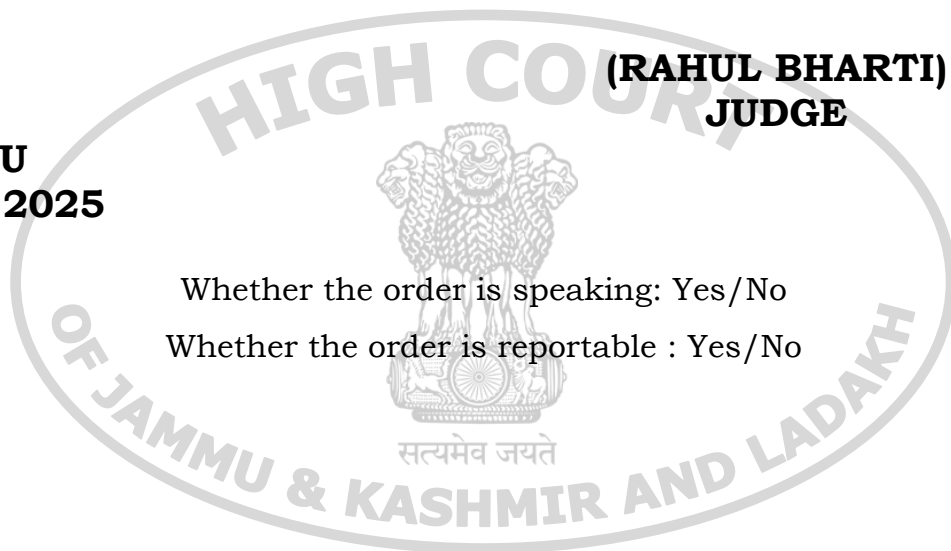
04. In view of this stand on the part of the respondents No. 1 and 2, this writ petition is disposed of with a direction to the Chief

Engineer, Ravi Tawi Irrigation to ensure that the subject site of SM-1 of M-2 near RD 4050 (Down-stream of old Samba-Kathua Road) is used and usurped by no private individual for the purpose of 'to and fro' movement, be it for the purpose of transportation of raw material or otherwise. Anybody who intends to make use of the subject land is to seek prior permission of the Chief Engineer, Ravi Tawi Irrigation Project if permissible.

05. ***Disposed of*** alongwith connected application(s).

JAMMU
02.07.2025

Bunty



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