

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

WP(C) No. 1414/2025

Vijay Singh

.....Petitioner(s)

Through: Mr. Satyam Arora, Advocate.

Vs

UT of J&K and ors.

..... Respondent(s)

Through: Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
02.06.2025

1. Ms. Priyanka Bhat, Advocate appears and accepts notice on behalf of the respondents vice Mrs. Monika Kohli, Sr. AAG.

2. Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioner has sought the following reliefs:-

- (i) **MANDAMUS: Directing the Respondent Nos. 2 & 3 to demarcate the proprietary land of the petitioner measuring 7 Kanal 15 Marlas comprising under Khasra No. 34 situated at Village Jagti Tehsil Nagrota and District Jammu and assess/review the entire revenue record to ascertain the land owned and possessed by the deceased father of the petitioner and also provide the comprehensive details of the same to the petitioner.**
- (ii) **MANDAMUS: Directing the Respondent No.2 & 3 to identify the encroachers who have encroached upon the land of the petitioner and evict them forthwith without any delay and thereafter restore the possession of the petitioner over the same in accordance with the laws and rules governing the field.**
- (iii) **Any other relief which this Hon'ble Court may in the facts & circumstances of the case in hand deem fit and proper, may also be passed in favour of the Petitioner and against the Respondents."**

3. The case of the petitioner, in nutshell, is that he is a permanent resident/domicile of the Union Territory of Jammu and Kashmir and a citizen of

India, thus, fully entitled to invoke the extraordinary jurisdiction of this Court for redressal of his grievances. That his father, namely, Amar Nath during his lifetime was a member of Azad Hind Force, who fought vigorously for the independence of India and was also sentenced to prison by the then British Government for more than a decade. That his father during his lifetime, was absolute owner in possession of the land measuring 7 Kanals & 15 Marlas comprising under Khasra No. 34 situated at Village Jagti, Tehsil Nagrota, District Jammu as well as of another big chunk of land comprised under different khasra numbers appurtenant to the said land. That since his father was fighting for the independence of India and was sentenced to prison, his land came to be encroached in his absence fraudulently as well as taken forcibly into possession by unidentified and unknown encroachers. That his father expired in the year 1992, leaving behind him as well as his brothers and sisters as his successors-in-interest. That his father during his lifetime fought vigorously and moved from pillar to post to get the encroachers evicted from his land, but since he was residing along with his family at Dansal Jammu, as such, he could not succeed in his legitimate act. That he as a legal heir of his father, inherited the said property along with other legal heirs as per the Mutation of Inheritance attested in respect of the said land. That he also like his father fought vigorously under law to evict the encroachers from his land, but since the encroachers had also built up their structures on his land, therefore, they (the encroachers) in connivance with the revenue officials succeeded in forcible possession of his land. That he has several times requested the respondent No. 3 to provide him the exact revenue record, but the said respondent also has colluded with the

encroachers and turned a deaf ear to him. That the respondents are under a legal obligation to account for his land by properly identifying the same and evicting the alleged encroachers from the same. That the respondents have not chosen to demarcate the land of the petitioner despite his repeated representations, thereby constraining him to approach this Court.

4. In the facts and circumstances of the case, this Court is of the opinion that the matter can be taken up for final disposal, even at this stage, for passing the appropriate orders in accordance with law, whereby the other side is not likely to get prejudiced.

5. Accordingly, the instant petition is disposed of with the advice to the petitioner to have recourse to appropriate legal proceedings, as provided under law in connection with the demarcation of his alleged land. Upon any such proceedings being taken by the petitioner, the respondents or any other appropriate forum/Court shall adjudicate the same strictly in accordance with law.

6. *Disposed of.*



(Mohd. Yousuf Wani)
Judge

Jammu
02.06.2025
Ram Krishan