

Serial No. 140

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

Case:- WP(C) No. 1667/2025
CM No. 3829/2025
CAV No. 1347/2025

1. Rakesh Vaid age 56 years
S/o Nagar Mal
2. Kewal Krishan age 70 years
3. Darshan Kumar age 67 years
Both sons of Late Sardari Lal
4. Jugal Kishore age 65 years
Son of Late Sh. Karam Chand

All residents of Thalori Brahmana
Ward No. 1 Vijaypur District Samba.

.....Petitioner(s)

Through: Mr. G. S. Thakur, Advocate.

Vs

1. Jammu and Kashmir Special Tribunal, Jammu.
2. Custodian
Evacuee Property
(With the powers of Provincial Rehabilitation Officer), Jammu.
3. Assistant Custodian
Vijaypur District Samba.
4. Saraj Din.
5. Reham Din.
6. Rashid Ahmed.
7. Sadiq Mohd.

Sons of Late Gulab Din

Residents of Village Thalori Gujran
Tehsil Vijaypur District Samba.

.....Respondent(s)

Through: Mr. Danish Butt, Advocate for Caveator.

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

ORDER
(04.07.2025)

CAV No. 1347/2025

01. Heard learned counsel for the caveator, ***caveat stands discharged.***

WP(C) No. 1667/2025

02. The present writ petition, if comes in its present form, is nothing but taking liberty with the writ jurisdiction of this Court as on the date of filing of this writ petition on 02.07.2025, the petitioners were already in a revision petition before the learned Divisional Commissioner, Jammu (with powers of the Deputy Custodian General, J&K, Jammu) in challenging the orders dated 29.08.1974 & 05.10.2017 which incidentally are also the subject matter of the present writ petition.

03. The only difference between the revision petition preferred before the Divisional Commissioner, Jammu (with powers of the Deputy Custodian General, J&K, Jammu) and the present writ petition is that the petitioners before the Divisional Commissioner, Jammu (with powers of the Deputy Custodian General, J&K, Jammu) are twenty (20) in numbers and out of those twenty petitioners, four petitioners have ventured with the present writ petition.

04. Mr. Danish Butt, learned Advocate, who is on Caveat on behalf of the respondents No. 4 to 7, apprises this Court about this aspect of the matter although Mr. G. S. Thakur, learned Advocate for the petitioners is fair enough to say that he has pleaded in his writ petition about the fact that the matter has also been agitated before the Divisional Commissioner, Jammu (with powers of the

Deputy Custodian General, J&K, Jammu) but the said matter is intended to be withdrawn by the petitioners so as to invoke writ jurisdiction of this Court under article 226 of the Constitution of India as being an appropriate remedy in the face of the fact that Jammu & Kashmir Special Tribunal, Jammu in terms its order dated 05.06.2025 in a revision petition filed by the twelve (12) petitioners on file No. STJ/254/2017 declined to grant revisional indulgence with respect to the self-same orders i.e., 29.08.1974 & 05.10.2017.

05. In the face of this, this Court cannot entertain the present writ petition at this juncture and, therefore, same is allowed to be withdrawn by the petitioners with liberty reserve that in case the revision petition pending before the Divisional Commissioner, Jammu (with powers of the Deputy Custodian General, J&K, Jammu) is withdrawn at their risk and cost, then the petitioners may consider approaching this Court with the writ petition if so advised.

06. ***Dismissed*** as withdrawn alongwith connected application(s).

(RAHUL BHARTI)
JUDGE

JAMMU
04.07.2025

Bunty

Whether the order is speaking: Yes/No.

Whether the order is reportable: Yes/No.