

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

**OWP No. 853/2018
IA No. 1/2018**

01. Abdul Aziz
S/O Shah Mohd.
R/O Kali Parani, Tehsil &
District Samba.

02. Latif Hussain
S/O Shah Mohd.
R/O Kali Parani Tehsil &
District Samba.

03. Mohd. Anice
S/O Shah Mohd.
R/O Kali Parani Tehsil &
District Samba.

04. Julekha Bibi
D/O Shah Mohd.
R/O Kali Parani Tehsil &
District Samba.

05. Tayerra Bano
D/O Shah Mohd.
R/O Kali Parani Tehsil &
District Samba.

.....Petitioner(s)

06. Sarber-a- Jahan
D/O Shah Mohd.
R/O Kali Parani Tehsil &
District Samba.

Through: Mr. D.K. Khajuria, Advocate

Vs

01. State of Jammu & Kashmir
through its
Commissioner/Secretary,

Forest Department Civil
Secretariat, Srinagar.

- 02.** Chief Conservator of Forests,
Van Bhawan, Gulab Singh
Marg, Near Vivekanand Chowk,
Jammu.
 - 03.** Divisional Forest Officer,
Samba.
 - 04.** Divisional Forest Officer, Social
Forestry, Samba.
 - 05.** Range Officer, Social Forestry,
Samba.
 - 06.** Commissioner Secretary to
Government, Revenue
Department, J&K.
 - 07.** Deputy Commissioner, Samba.
- Respondent(s)

Through: Mr. Vishal Bharti, Dy. AG for R-1 to 5.
Ms. Nazia Fazal, Assisting Counsel vice
Mrs. Monika Kohli, Sr. AAG for R-6&7.

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

ORDER
(24.12.2025)

- 01.** The petitioners herein are the successors-in-interest of one, Shah Mohd., who had approached this Court with a writ petition OWP No. 1104/1991 with a purported cause of action that a parcel of land measuring one (1) kanal and five (05) marlas, comprised of Khasra No. 161 min in village Kali Parani, Tehsil Samba, had been taken away from him by the Deputy Commissioner, Jammu as Tehsil Samba then was falling within the jurisdiction of District Jammu, and

handed over the said piece of land to the Deputy Director, Navodya Vidyalya, New Delhi for the purpose of construction of Navodhya Vidyalya School, hereupon. The construction of School took place without compensating the writ petitioner, Shah Mohd. and even without undertaking any acquisition process.

- 02.** Said writ petition OWP No. 1104/1991 was disposed of by the writ Court by virtue of its order dated 28.08.1998 with a direction to the three respondents therein, to take steps either to acquire the land under the J&K Land Acquisition Act, Samvat 1990, or to provide the petitioner Shah Mohd., alternate land in lieu of compensation. Needful was to be done within a period of four months.
- 03.** Said writ Court direction, in terms of order dated 28.08.1998, assumed finality with respect to which the petitioner Shah Mohd. had filed a contempt petition **COA(OWP) 68/2006**, in which a compliance report had come to be submitted by the then Deputy Commissioner, Samba as at that time Samba had become a District.
- 04.** In the compliance report, the Deputy Commissioner, Samba had come forward with averments that the compliance of the writ Court order was taking place by a mode of providing alternate land to the petitioner Shah Mohd. for which purpose requisite exercise as mentioned in compliance report stood referred to.

- 05.** At last, by virtue of an **order No. DCS/SQ/856-57** dated **06.11.2008**, passed by the Deputy Commissioner, Samba through Additional Deputy Commissioner Samba, land measuring two (02) kanals in Khasra No. 231 /192 min of village Kali Parani, Tehsil and District Samba, was transferred in favour of the petitioner Shah Mohd. in lieu of his land measuring one (01) kanal and five (05) marlas in khasra No. 161.
- 06.** Thus, the petitioner Shah Mohd. came to be entered into the possession and ownership of the land measuring two (02) kanals in khasra No. 231/192 min.
- 07.** Later on, the petitioner Shah Mohd. is said to have come in conflict with the Forest Department officials in the matter of peaceful enjoyment of his so transferred alternate land resulting into institution of civil suit by the petitioner on file No. 20/Civil Misc. on 23.10.2010 before the Court of Sub-Judge, Samba against the State of J&K and its officials.
- 08.** In the aforesaid backdrop of facts and circumstances, the petitioner Shah Mohd. came forward with the institution of the present petition on 04.05.2018, thereby, seeking writ of mandamus upon the writ respondents from disturbing the lawful possession of the petitioner Shah Mohd. as an owner of land measuring two (02) kanals falling under Khasra No. 231/192 min situated at village Parani Kali, Tehsil and District Samba.

- 09.** Pursuant to order dated 19.03.2025, the Forest Department came forward with its compliance report, submitted through Deputy Conservator of Forest, Monitoring and Evaluation Department of Social Forestry Jammu & Kashmir, stating therein that the Forest Department has nothing to do with the Khasra No. 231/192 min, meaning thereby that from the end of Forest Department there is no relation/reference being claimed to khasra No. 231/192 of village Kali Parani and therefore, there cannot be a question of any act of interference or intrusion by the officials of the Forest Department vis-a-vis of Khasra No. 213/192 min to make the petitioner Shah Mohd. so bothered.
- 10.** In view of the aforesaid situation, this writ petition is disposed of with a direction to the Deputy Commissioner, Samba to carry out the demarcation of said two (02) kanals of land in khasra No. 231/192 min in village Kali Parani which purportedly came to be transferred to the petitioner Shah Mohd. in terms of **Order No. DCS/SQ/856-57 dated 06.11.2008** and upon demarcation of the said two (02) kanals of land by reference to the petitioner Shah Mohd. who is now a dead and is being represented by his legal representatives/heirs, the same to be directed and ensured to be free from any interference from the ends of District Administration which includes even the Forest Department as well.

11. Needful exercise to be done by the Deputy Commissioner, Samba with in a period of two months preferably by or before 01.03.2026, from the date of certified copy of this order being handed over by one of the legal heirs of the petitioner Shah Mohd.

12. Disposed of.

(RAHUL BHARTI)
JUDGE

Jammu
24.12.2025
Renu

