

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

(Through VC)
LPA 163/2025
CM(5176/2025) CM(5177/2025)
CAV 1822/2025

TARSEM LAL AND OTHERS

...Petitioner(s)/appellant(s)

Through: Mr. Jagpaul Singh, Advocate

Vs.

U OF J AND K TH COMMISSIONER
SECRETARY REVENUE DEPTT AND OTHERS

...Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG
Mr. Ankur Sharma, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

20-08-2025

1. This is an intra-court appeal under Clause 12 of Letters Patent Appeal against an order dated 05.08.2025, vide which, the petition preferred by the appellants has since been dismissed.
2. The facts that are required to be noticed are limited.
3. Vide order dated 13.05.2019 passed by the Tehsildar (Assistant Collector 1st Class), Kathua, a direction was issued for dispossession of the appellants from a land measuring 04 kanals, comprised in khasra No. 155 min, as also the land measuring 24 kanals 05 marlas, comprised in khasra No. 156 min, totaling 28 kanals 05 marlas situated in village Amargarh, District Kathua.
4. Aggrieved by the said order, the appellants had preferred an appeal before the Additional Deputy Commissioner, Kathua, along with an application for condonation of delay, as also the application for interim relief.
5. However, in the absence of any interim stay against the order dated 13.05.2019, the private respondents approached this Court vide WP(C) No.

1787/2021 praying for mandamus to command respondent authorities to enforce the order dated 13.05.2019.

6. The said petition was disposed of by the learned Single Judge on 28.03.2023 with the direction to the authorities that in the event the private respondents submit any representation, the same shall be considered and appropriate action shall be taken thereon in accordance with law. And before any such order is passed the appellants shall also be heard.

7. Pursuant to the order dated 28.03.2023 (ibid) the Tehsildar (Assistant Collector 1st Class), Kathua, passed an order dated 01.06.2023, vide which, after affording opportunity to the parties to the lis required the Naib Tehsildar and Patwari to visit the site and ensure implementation of the order passed by this Court. As a result, the appellants approached this Court assailing the said order vide WP(C) No. 1503/2023 which, as indicated earlier, has since been dismissed. Thus, this appeal.

8. Concededly, the appeal preferred by the appellant against the order dated 13.05.2019 passed by the Tehsildar is pending. The limited grievance that is being expressed by learned counsel for the appellants is that, apart from the other reliefs, that were prayed for in the petition filed by the appellants, they had also prayed for a mandamus commanding the appellate authority to decide the appeal preferred by the appellant (Tarsem Lal and Ors Vs. Romesh Kumar and Ors) against the order dated 13.05.2019. But the writ Court apparently missed that aspect.

9. He asserts that appellants are the victims of indecision/inaction at the end of the appellate authority as despite the appeal being pending for nearly three years as also the application for interim stay, no orders are being passed. Thus, in the given circumstances, their rights/interests are vitally impaired.

10. As to this, learned counsel for the private respondents, as also Ms. Monika Kohli, Sr. AAG, submits that let the appeal be disposed of with the direction to the appellate authority to consider and decide the appeal preferred by the appellants within a specified time.

11. In the wake of above, and in terms of statement made by learned counsel for the parties, the appeal is disposed of with a direction to the

appellate authority (respondent No. 3) to decide the appeal preferred by the appellant, as indicated earlier, within two weeks' from the receipt of the certified copy of this order. Failing which, the appellants shall have a right to move appropriate an application in this appeal itself for its restoration and necessary orders.

12. Needless to assert that this order shall not construe expression of any opinion on merits of the case of either party, for the appellate authority shall proceed in accordance with law and pass necessary orders within the time as indicated earlier.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR
20-08-2025
Aadil

