

Supplementary List-I
Serial No. 86

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

WP(C) No. 3140/2025
CM No. 7187/2025

Date of pronouncement : 11.11.2025
Uploaded on : 17.11.2025

Surinder Singh

....Petitioner

Through:- Mr. M. K. Bhardwaj, Sr. Advocate
with
Mr. Gagan Kohli, Advocate.

V/s

UT of J&K & Ors.

.....Respondents

Through:-

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)**

01. This writ petition is *disposed of* at its very inception stage given the scope which it carries for its *disposal* at its inception stage.

02. The respondent No. 13 – Sohan Singh, the respondent No. 14 – Rishav Sambyal and the respondent No. 15 – Kuldeep Singh preferred a petition before the Assistant Commissioner Revenue, Samba, naming the petitioner – Surinder Singh as respondent No. 1, and proforma respondent

Nos. 16 to 25 as respondent Nos. 2 to 11, and also proforma respondent Nos. 1 to 3.

03. The petition filed by the said three respondent Nos. 13 to 15 before the Assistant Commissioner Revenue, Samba is under section 105 of the Jammu & Kashmir Land Revenue Act, Svt., 1996 claiming partition for the land comprised in khasra Nos. 390 (02k-10m), 486 (06k-17m), 318 (06k), 319 (04k-11m), 320 (02k-12m), 321 (05k-18m), 322 (08k-06m) and 323 (19k-10m) of khewat No. 22 of village Amb Talli, tehsil and district Samba.

04. Whether the Assistant Commissioner Revenue, Samba *per se* is a competent original authority to be petitioned at first instance for partition of land under the Jammu & Kashmir Land Revenue Act, Svt., 1996 is a question which this Court is not, for the time being, interested to know but the fact remains that the then Assistant Commissioner Revenue, Samba came up with the first endorsement on the petition by writing **“PL, examine, put up and issue stay order also”** with a date 23.08.2024 endorsed thereupon.”

05. Thereafter, the same very Assistant Commissioner Revenue, Samba referred the matter for Tehsildar, Samba for necessary action at an earliest. This is best known to the Assistant Commissioner Revenue, Samba as to under which law the particular mode of dealing with the petition under

section 105 of the Jammu & Kashmir Land Revenue Act, Svt., 1996 came to be dealt by him/her.

06. Be that as it may, Tehsildar (Assistant Collector 1st Class), Samba following the dictate of Assistant Commissioner Revenue, Samba came forward with an order No. Teh-S/OQ/505-506 dated 28.08.2024 placing a *status quo* order regarding the subject land with a further restraint on alienation of the land with no construction, sale deed, mortgage deed, gift deed to be executed.

07. The very fact that the Tehsildar (Assistant Collector 1st class), Samba, came to pass order dated 28.08.2024 as dictated by the Assistant Commissioner Revenue, Samba, renders the order dated 28.08.2024 to the extent it places a *status quo* order in picture that too without hearing the respondents before him is *per se* illegal which is, accordingly, set-aside.

08. Let the petitioner appear before the Tehsildar (Assistant Collector 1st class), Samba and also the rest of the respondents be served as named in the petition, and thereupon, after getting the response to the petition under section 105 of the Jammu & Kashmir Land Revenue Act, Svt., 1996 so filed by the respondent Nos. 13 to 15 any further indulgence in the matter, if there is any application for interim relief, be considered on merits.

09. SHO Police Station, Samba is directed not to lend any intervention in the matter unless and until the Tehsildar (Assistant Collector 1st class), Samba after hearing the petitioner as respondent No. 1 and rest of the respondents, who may appear and contest the petition, comes up with a fresh order in response to an application for interim relief.

10. The present writ petition is, accordingly, ***disposed of*** along with connected application.

JAMMU
11.11.2025

Bunty

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No

