

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

Case No.:- WP(C) No. 3582/2019  
CM No. 7426/2019

1. Smt. Shanti Devi, Age-87 years  
W/o Late Sh. Saran Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.
2. Sh. Mohan Singh, Age-64 years,  
S/o Late Sh. Saran Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.
3. Sh. Lal Singh, Age-60 years  
S/o Late Sh. Saran Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.
4. Sh. Sohan Singh, Age-57 years  
S/o Late Sh. Saran Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.
5. Sh. Rajinder Singh, Age-53 years  
S/o Late Sh. Saran Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.
6. Smt. Radha Rani, Age-55 years  
D/o Late Sh. Saran Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.
7. R.B. Educational Trust through its Chairperson  
Mrs. Kanta Andotra, Age-56 years,  
W/o Ch. Lal Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.
8. Smt. Kanta Andotra, Age-56 years  
W/o Ch. Lal Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.
9. Sh. Divya Suraj Partap Singh, Age-28 years  
S/o Ch. Lal Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.
10. Sh. Divya Chander Partap Singh, Age 24 years  
S/o Ch. Lal Singh  
R/o H. No. 1, W. No. 2, Tehsil and District Kathua.

.....Petitioner(s)

Through: Mr. K.S. Johal, Sr. Advocate with  
Mr. Karman Singh Johal, Advocate.

**Vs**

1. State of Jammu and Kashmir through Commissioner Secretary to Govt.,  
Revenue Department, Civil Secretariat, Srinagar/Jammu.
2. Deputy Commissioner, Kathua.
3. Sh. Raghav Langer  
S/o Sh. L.G. Langer,  
Deputy Commissioner, Kathua.
4. President/Acting President,  
Municipal Council, Kathua.
5. Assistant Commissioner (Rev.),  
Kathua.
6. Tehsildar, Executive Magistrate Ist Class,  
Kathua.
7. Naib Tehsildar, Kathua.
8. Senior Superintendent of Police, Kathua.
9. Station House Officer, Police Station, Kathua.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG.

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

**ORDER**  
**14.05.2025**

1. The petitioner No. 1 is the mother of petitioners No. 2 to 6,  
petitioner No. 8 is the wife of petitioner No. 3, petitioner  
Nos. 9 and 10 are the sons of petitioners No. 3 and 8 and  
the petitioner No. 7 is an institution, which is said to be  
run by the petitioner No. 8-Smt. Kanta Andotra.

2. Petitioners No. 1 to 6, as a family, are said to be owning 13 kanals and 3 marlas of land comprised in khasra No. 2465/308 situated at village Taraf Tajwal, ward No. 4, tehsil and district Kathua, which property has been allowed by them to be appropriated by the petitioner No. 7 for the purpose of housing an educational institution.
3. The petitioners came rushing to this Court with the institution of the present writ petition taking place on 30.09.2019 for seeking the following reliefs:

**“Writ of prohibition, restraining the respondents from interfering with, trespassing upon, demolishing or otherwise interfering with the possession of the petitioners over the double storied structure/building of the Delhi Public School (Junior Wing) comprising of:**

- (i) **On the Ground floor: Principal office, verandah, reception, waiting area, five class rooms, corridor, lift, anti-space area, computer class rooms, washing area, staircase and lawn in front;**
- (ii) **On the first floor: 10 class rooms, staff room, indoor play area, multiple purpose area and wash rooms, provision for lift bounded as follows:**

- a) **Western side : Road**
- b) **Southern side : Open Plot**
- c) **Eastern side : Open plots and channelized khad.**
- d) **Northern side : Shops and open space.**

in khasra No. 2465/308 comprising of 13 kanals and 3 marlas owned and possessed by the petitioners No. 1 to 6 situated in village Taraf Tajwal, Ward No. 4 Tehsil and District Kathua or otherwise disturb the possession of the petitioners over the premises including the school constructed in 2 kanals out of the 13 kanals and 3 marlas of land in any manner whatsoever;

**Writ of Mandamus: commanding the respondents not to interfere or trespass upon, demolish or interfere with the working/running of the school in the premises aforesaid or otherwise interfere with the possession of the petitioners, their agents, staff over the property of the petitioners or interfere with the running of the school in any manner whatsoever.**

4. The respondents No. 1, 2, 3, 6 and 7 came up with the reply to the writ petition alleging that some State land has been appropriated by the petitioner No. 7 and, therefore, the State land is to be retrieved from the petitioners, in particular from the petitioner No. 7.
5. Dispensing with the **bells and whistles** of the case from both the sides, the nutshell plea of the petitioners is that let their person as well as property be dealt with in accordance with law by the respondents and not by the respondents acting as a law unto themselves. There cannot be a discord or dispute to this proposition.

6. The respondents also cannot be heard to say that they can deal by unilateral decision/action at their end with the petitioners in terms of the petitioners' claim vis-à-vis property forming subject matter of the writ petition.
7. This writ petition is, therefore, disposed of with a direction unto the respondents to deal with the property forming subject matter of the writ petition relatable to the petitioners only by following due process of law which, of course, includes proper hearing of the petitioners with respect to any contemplated legal course of action and decision intended at the end of the respondents or any of the respondents whomsoever is competent to initiate the course of law for the purported purpose of retrieving the State land, if any, under the use and occupation of the petitioners.
8. It hardly needs any mention or reminder from this Court's end for the consumption of the respondents that any final order in the matter to be passed in following the course of law related to the petitioners or some of the petitioners qua the property in reference, as the case may be, then the order so passed is amenable to remedial challenge available at the end of the aggrieved party/person and for that purpose time needs to be kept at the disposal of the

petitioners to seek the appropriate remedy against any adverse order so passed.

9. Connected application(s) also stands disposed of accordingly.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**14.05.2025**  
**Naresh/Secy.**

