

Supplementary List-1
Serial No. 130

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

**WP(C) No. 3436/2025
CM No. 7824/2025**

Date of pronouncement : **05.12.2025**
Uploaded on : **09.12.2025**

Anchal Dass

....Petitioner

Through:- Mr. S.M. Chowdhary, Sr. Advocate with
Mr. Khadimul Mursaleen, Advocate

V/s

UT of J&K & Ors.

.....Respondents

Through:- Mrs. Monika Kohli, Sr. AAG

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

- 01.** Heard Mr. S.M. Chowdhary, learned Senior Advocate assisted by Mr. Khadimul Mursaleen, learned Advocate.
- 02.** The respondent No. 6-Dwarka Sharma and respondent No. 7-Lalit Sharma are sons of Smt. Darshna Devi. Said Darshna Devi-mother of the respondents No. 6 and 7 was daughter of one Balia.
- 03.** The petitioner is son of one Dhani Ram.

- 04.** The land comprised in khasra Nos. **159, 182** and **185** total measuring **31 kanals 19 marlas** situated in village Lakhnote, tehsil Nagri Parole, District Kathua has convergence of two situations which engaged the petitioner as well as said Darshna Devi in a state of litigation right from the year 1999 onwards.
- 05.** The land in the aforesaid three khasra numbers as per the documents accompanying the writ petition is said to be in purported allotment of said Darshna Devi's father Balia who purportedly never got into cultivating possession of said land whereas the petitioner's father-Dhani Ram who was a resident of Pathankote (Punjab) came to be recorded in cultivation possession of aforesaid land dating back from year 1957 Rabi onwards continuously getting reflected to be in cultivating possession without any break and without any objection whatsoever from the end of Balia.
- 06.** After demise of Baila, his daughter Smt. Darshna Devi initiated the proceedings before the concerned Revenue/Agrarian Authorities for getting herself recorded in the revenue record in relation to the aforesaid land in said three khasra numbers and

also to retrieve the possession thereof from the petitioner who stood entered in the khasra girdawari record in place of his father-Dhani Ram which led the petitioner to intervene with an application before the Tehsildar Agrarian Reforms (Assistant Collector 1st Class), Kathua who by virtue of an order dated **18.10.1999** dislodged the claim of Smt. Darshna Devi and also held the petitioner as well as his father-Dhani Ram being non-State Subject of State of J&K not entitled to hold land in any legal status but, nevertheless, kept the land in cultivating possession of the petitioner more in capacity as Superdar, if one can use the expression which otherwise is not stated in the order dated 18.10.1999 passed by the Tehsildar Agrarian Reforms (Assistant Collector 1st Class), Kathua.

- 07.** Against this order, an appeal was taken out by Smt. Darshna Devi which came to be heard and disposed of by the Divisional Commissioner, Jammu by virtue of an order dated **15.09.2007** by setting aside the impugned order dated **18.10.1999** of Tehsildar Agrarian Reforms (Assistant Collector 1st Class), Kathua with a remand unto the Assistant Commissioner (Revenue), Kathua for conducting

fresh inquiry into the matter by providing full opportunity of hearing to both sides.

08. Order dated **18.10.1999** of Tehsildar Agrarian Reforms (Assistant Collector 1st Class), Kathua was held to be violative of rules of natural justice meaning thereby order dated 18.10.1999 of the Tehsildar Agrarian Reforms (Assistant Collector 1st Class), Kathua, was not set aside by reference to the factual position of the case.

09. The petitioner at his end took the matter before the Financial Commissioner (Revenue), J&K, Jammu in a revision which came to be disposed of by virtue of an order dated **26.04.2018** upholding the order dated **15.09.2007** of the Divisional Commissioner, Jammu with a direction to the Assistant Commissioner (Revenue), Kathua to conduct de novo inquiry and pass fresh orders.

10. The allotment of the land in the aforesaid khasra numbers to Balia was sourced to an order dated **03.04.1959** of the Provincial Rehabilitation Officer, Jammu.

11. The Assistant Commissioner (Revenue), Kathua acting on the basis of the remand directions

originally given by the Divisional Commissioner, Jammu and supplemented by the Financial Commissioner (Revenue), J&K, Jammu has come up with an order dated **22.10.2025** with two findings.

12. First finding is that the cancellation of an allotment of land in favour of Balia-the father of Darshna Devi was held to be right. Secondly, the cultivating possession of the petitioner was held to be of no effect and benefit to the petitioner on account of him being a non-permanent resident of J&K State/UT and therefore, directing expunging of girdawari entries obtaining in favour of the petitioner-Anchal Dass.

13. Thus, the Assistant Commissioner (Revenue), Kathua, by virtue of an order dated **22.10.2025**, has closed the chapter both for Darshna Devi as well as for the petitioner-Anchal Dass leaving the petitioner aggrieved to come up with the present writ petition under article 226 of the Constitution of India.

14. There is no denial to the fact that judicial review jurisdiction is available for an aggrieved party to invoke against quasi-judicial adjudication of rights

and liabilities relatable to property but then in a situation where an appellate/revisional remedy under statute is available for an aggrieved litigant then the prudence and propriety of procedure is that judicial review under article 226 of the Constitution of India be reserved for last and what is provided by statute in terms of remedy to be exhausted first.

15. This Court has no iota of doubt to hold that the entire adjudication is being governed by the **J&K Land Revenue Act, Svt. 1996** given the fact it got started from Tehsildar Agrarian Reforms (Assistant Collector 1st Class), Kathua went to the Divisional Commissioner, Jammu through the Deputy Commissioner (District Collector), Kathua and finally landed before the Financial Commissioner (Revenue), J&K, Jammu from where the matter again came to the Assistant Commissioner (Revenue), Kathua and that is how the entire hierarchy under the **J&K Land Revenue Act, Svt. 1996**, has dealt with the matter and would continue to be so engaged in the next round and, thus, the petitioner has a remedy of appeal against the adjudication so made by the Assistant Commissioner (Revenue), Kathua before the

appellate authority which is Deputy Commissioner as being District Collector, Kathua.

16. Accordingly, this Court is not inclined to entertain this writ petition but reserves liberty in favour of the petitioner to approach the appellate authority of **Collector Land Revenue under J&K Land Revenue Act, Svt. 1996** with an appeal within a period of one month from the date of passing of this order.

17. In the event of the appeal being filed by the petitioner, the appellate authority to hear and dispose of the same on merits within a period of next six months after due service of the opposite party i.e. respondent No. 6-Dwarka Sharma and the respondent No. 7-Lalit Sharma.

18. Till the final adjudication of the appeal to be done by the Deputy Commissioner (District Collector), Kathua, the petitioner's khasra girdawari entries vis-à-vis the aforesaid three khasra numbers shall continue to exist as it is without being disturbed or expunged and status quo to be maintained qua the cultivating possession of the petitioner qua the

aforesaid three khasra numbers to the extent the petitioner is holding the possession.

19. This writ petition is accordingly, **disposed of**.

20. The petitioner as an appellant in his appeal to be preferred as directed shall be within his right to agitate all the possible pleas on merits available at his disposal to challenge the impugned order in all its manifestations and claim reliefs which would accordingly be considered and adjudicated by the Deputy Commissioner (District Collector), Kathua as an appellate authority.

JAMMU
05.12.2025
SUNIL

(RAHUL BHARTI)
JUDGE

Whether the order is speaking ? : Yes/No
Whether the order is reportable ? : Yes/No