

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 368/2025

c/w

CCP(S) No. 85/2025

Khair Din and another

.....Appellant(s)/Petitioner(s)

Through: Mr. Ch. Mohd. Shabir, Advocate

vs

UT of J&K and others

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Nisha Kangotra, Advocate

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

03.07.2026

1. In terms of the previous directions, the respondents were directed to verify the allegations levelled by the petitioners in the contempt petition as well as the stand taken during the proceedings today in that regard. The respondents were further directed to produce the relevant record and ensure the presence of the concerned officers before the Court.
2. Ms. Monika Kohli, learned Senior AAG appearing for the respondents, submitted at the Bar that the Tehsil Office and residential quarters of Tehsil Chilly Pingal, District Doda, have been constructed on Khasra No. 224 of Village Jakyas, Tehsil Chilly Pingal, District Doda. It is further submitted that the said site is situated at a considerable distance from the proprietary land of the petitioners falling under Khasra Nos. 174, 177 and 178.
3. Learned counsel for the respondents further submitted that Khasra No. 174 is situated approximately 550 feet away from the site, Khasra No. 177 is

approximately 467 feet away, and Khasra No. 178 is approximately 528 feet away from the location where the Tehsil Office has been constructed.

4. In support of the aforesaid submissions, the respondents produced the concerned Revenue Officers, namely, Mr. Mohinder Singh, Patwari Halqa, Jakyas, and Mr. Shahnaz Ahmed, Girdawar, along with the relevant revenue records, including the Girdawari, Jamabandi, and Akas Latha. The officers also produced the Akas Latha depicting the topography of the area, which was shown to the Court. Learned counsel for the petitioners, however, submitted that although the construction initially commenced on Khasra No. 224 after levelling the land, the respondents subsequently shifted the construction to Khasra Nos. 174, 177 and 178. It is, therefore, contended that the case projected by the respondents is devoid of any legal basis.
5. On the other hand, learned counsel for the respondents invited the attention of the Court to the demarcation report dated 21.02.2025 prepared by a team of Revenue Officers, wherein it was found that the petitioners' land is situated far away from the site on which the Tehsil Office has been constructed. It is further submitted that the construction has already been completed and the building is ready for inauguration. For the satisfaction of the Court, the Akas Latha was also produced, which, prima facie, appears to be in order and clearly delineates the Khasra numbers of Revenue Village Jakyas, Sub-Division Gandoh.
6. When confronted with the demarcation report, learned counsel for the petitioners disputed its correctness. It is further submitted by the respondents that Khasra No. 224 of Village Jakyas is State land measuring 5 kanals and 2 marlas, which, vide order dated 17.12.2024 passed by the Deputy

Commissioner, Doda, was transferred in favour of the Revenue Department for construction of the Tehsil Office, Chilly Pingal, District Doda.

7. Learned counsel for the petitioners continued to dispute the demarcation report. Thus, after hearing learned counsel for both sides, it emerges that the respondents maintain that the Tehsil building has been constructed on Khasra No. 224, which is State land measuring 5 kanals and 2 marlas, whereas the petitioners contend that the construction has been raised over Khasra Nos. 174, 177 and 178, which constitute their proprietary land. However, from the Akas Latha produced before the Court, it is apparent that the boundaries of Khasra Nos. 174, 177 and 178 are not contiguous to Khasra No. 224.
8. In view of the aforesaid submissions, this Court cannot undertake an adjudication of the disputed questions of fact involved in the present case, which fall within the exclusive domain of the competent Civil Court.
9. Learned counsel for the petitioners submits that the building has been constructed over the petitioners' proprietary land and that their property has been put to unlawful use. If that be so, the petitioners would be well advised to seek appropriate relief before the competent Civil Court for protection of their rights.
10. In the considered opinion of this Court, the controversy involved in the present petition raises disputed questions of fact requiring adjudication upon appreciation of oral and documentary evidence by way of a full-fledged trial. Such issues cannot appropriately be determined in the exercise of writ jurisdiction. The petitioners have failed to make out a case warranting interference by this Court. Accordingly, finding no merit in the petition, the same is dismissed along with the connected application(s).

11. Interim directions, if any, shall stand vacated.
12. It is, however, made clear that the petitioners shall be at liberty to avail such remedy as may be available to them in law, including the institution of an appropriate civil suit for protection of their proprietary rights, if so advised. Any observations made herein are confined to the disposal of the present proceedings and shall not prejudice or influence the competent Civil Court while adjudicating the matter independently on the basis of the evidence that may be led before it.
13. The petition stands disposed of accordingly.
14. The Revenue Officers, namely, Mr. Mohinder Singh, Patwari Halqa, Jakyas, and Mr. Shahnaz Ahmed, Girdawar, are discharged from further attendance. The revenue record, including the Girdawari, Jamabandi and Akas Latha, is returned to the concerned Revenue authorities.

(Sanjay Parihar)
Judge

Jammu
03.07.2026
Diksha