

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

CM(M) No. 121/2026
CM No. 3785/2026
CM No. 3784/2026
c/w
CCP(S) No. 285/2026

Dilbag Singh and another

.....Applicant(s)/Petitioner(s)

Through :- Mr. Ajay Bakshi, Advocate.

v/s

Omkar Singh and another

.....Respondent(s)

Through :- Ms. Vasudha Sharma, Adv for R-1.
Ms. Chetna Manhas, Assisting counsel to
Mrs. Monika Kohli, Sr. AAG for R-2.

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
18.09.2026

CM(M) No. 121/2026

CM No. 3785/2026

CM No. 3784/2026

1. In this petition, the petitioners herein, have challenged the order dated 02.06.2026, hereinafter to be referred as 'impugned order' passed by the Court of learned Additional Deputy Commissioner (with the powers of Collector) Samba, for short ADC, Samba, in case titled '*Omkar Singh V. Ravi Singh & Ors*', whereby, the transfer petition, seeking transfer of the proceedings of partition from the court of learned Tehsildar, Samba, to any other forum, has been disposed of with the direction to Tehsildar Samba to allow the ongoing construction of the residential house of the petitioner.

2. Learned counsel for the petitioner submits that ADC Samba, has passed the impugned order without issuing notice to the petitioners. He also submits that the ADC, Samba, was not obliged, in law, to have passed any direction in a

transfer petition *much less* the one challenged in this petition that too without issuing notice to the other side. The learned counsel for the petitioners further submits that the respondents had taken a ground of bias against the learned Tehsildar, Samba, in support of the transfer plea, for having passed the order of status quo in the matter in terms of order dated 02.6.2026, and the ADC, Samba, entertained the petition and passed the impugned order on the very same date without issuing notice to the other side ironically without there being any challenge to the order of status quo dated 02.06.2026 before him.

3. The learned counsel for the petitioners also submits that the impugned order has not only been passed in excess of jurisdiction but is in fact wholly without jurisdiction as there was nothing before the ADC, Samba, to dwell into the merits of the matter not even the order of status quo on the basis whereof the allegation of bias against the Tehsildar Samba was made. The learned counsel submits that the impugned order is also bad for the reason that no opportunity of being heard was provided to the petitioners by the ADC, Samba, before passing the impugned order.

4. Ms. Vasudha Sharma, learned counsel appearing for the respondent no.1, has fairly conceded to the prayer being made by the petitioners in the instant petition and states that she has no objection, if the impugned order dated 02.06.2026 passed by the Additional Deputy Commissioner, Samba, be set aside.

5. In view of what has been stated hereinbefore and the statement made by learned counsel for the respondent No. 1, the writ petition is taken up for final disposal at its threshold and disposed of by setting aside the impugned order dated 02.06.2026, passed by the Court of learned Additional Deputy Commissioner (with powers of Collector), Samba, in case titled '*Omkar Singh*

versus Ravi Singh & Ors '. It goes without saying that the aggrieved party would be at liberty to pursue the remedy as may be available under law for redressal of their grievances.

6. The petition is **disposed of** on the above lines along with connected CM(s).

CCP(S) No. 285/2026

In consequence of the order passed by this court today in CM(M) No. 121/2026 (*supra*), this contempt petition also stands disposed of.

(Moksha Khajuria Kazmi)
Judge

JAMMU
18.09.2026
Raj Kumar

