

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

**WP(C) No. 1999/2021
CM No. 7431/2021**

Rajesh Kalra

.... Petitioner/Appellant(s)

Through:- None

V/s

J&K Special Tribunal & Ors.

.....Respondent(s)

Through:- None

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE
ORDER
04.07.2026

1. None appears on behalf of either of the parties.
2. The petitioner has remained absent on the last three consecutive dates of hearing. By the present writ petition, the petitioner has assailed the order dated 27.08.2021 passed by the J&K Special Tribunal, whereby the revision petition preferred by him in respect of the allotment of Shop No. EP-213, situated at Peer Mitha, Jammu, came to be dismissed. The Tribunal has recorded a finding that the petitioner failed to establish that the allotment order dated 17.11.1990, made in favour of respondent No. 3, Vinod Kalra, suffered from any illegality. It appears from the record that the petitioner, Rajesh Kalra, and respondent No. 3, Vinod Kalra, are real brothers and are embroiled in a dispute concerning the allotment of the aforesaid shop. The shop was allotted in favour of respondent No. 3 on 17.11.1990, whereas the petitioner questioned the said allotment only in the year 2015.
3. Before the Tribunal, it was the stand of the respondents that an allotment of evacuee property is not heritable in nature. The

petitioner, however, claimed that since the shop had originally been allotted to his father, he too was entitled to succeed to the allotment. Admittedly, the shop had initially been allotted to the father of the parties, and upon his demise, respondent No. 2 authorized the Custodian to regulate the allotment of the shop. Pursuant thereto, the shop was lawfully allotted in favour of respondent No. 3 vide order dated 17.11.1990, and the allotment was duly formalized by the Custodian, Evacuee Property, Jammu. The petitioner further relied upon a deed dated 09.08.1986, contending that the original thereof had been duly attested and issued in his favour.

4. The legal position stands settled by the judgment in *Shamsher Singh v. Deputy Custodian General*, reported as 1973 JKLR 144, wherein it has been held that an allotment of evacuee property is not heritable. It is, therefore, within the exclusive domain of the Custodian, Evacuee Property, to regulate the allotment and possession of such property in accordance with law. In the present case, the allotment made in favour of respondent No. 3 on 17.11.1990 remained unquestioned for more than two decades, despite the petitioner being the real brother of the allottee. In these circumstances, the petitioner's claim was rightly rejected by the Custodian, Evacuee Property, and the said decision has been affirmed by the J&K Special Tribunal. Thus, there are concurrent findings of fact recorded by the competent authorities, which neither appear to be perverse nor suffer from any legal infirmity warranting interference in the exercise of writ jurisdiction.

5. Upon perusal of the writ petition and the material placed on record, this Court does not find any ground to hold that the findings concurrently recorded by the Custodian, Evacuee Property, and the J&K Special Tribunal suffer from any factual or legal error.
6. The petitioner has failed to demonstrate the existence of any substantial question of law or any violation of the principles of natural justice. Adequate opportunity of hearing was afforded to him before both the authorities. However, he has not been able to explain the inordinate delay in questioning the allotment before the Tribunal, particularly when the settled legal position vests the authority to regulate allotment of evacuee property with the Custodian in accordance with law.
7. In view of the foregoing discussion, this Court finds no ground to interfere with the impugned order dated 27.08.2021 passed by the J&K Special Tribunal, Jammu. Accordingly, the writ petition is dismissed.
8. Interim directions, if any, shall stand vacated.

(Sanjay Parihar)
Judge

JAMMU
04.07.2026
Asif Tantray