

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

WP(C) No. 2029/2022

Reserved on: 10.08.2026

Pronounced on: 14.08.2026

Uploaded on: 14.08.2026

Whether the operative part or full judgment
is pronounced: Full judgment.

Indra Devi and another

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

Through: Mr. Gagan Basotra, Sr. Adv. with
Ms. Navdeep Kour, Adv.

Vs

U. T. of J&K and others

..... Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG with
Ms. Sagira Jaffer, Adv.
Mr. Ravinder Gupta, AAG
Ms. Monika Thakur, Adv.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1. The petitioners have filed this petition seeking the following reliefs:

- (i) Allow the present writ petition.
- (ii) Issue an appropriate writ, order or direction in the nature of mandamus commanding the official respondents not to demolish the residential premises of the petitioner no. 1 and 2 situated at Village Ghat.
- (iii) Issue an appropriate writ, order or direction in the nature of mandamus commanding the respondent no. 2 to constitute a special demarcation team to be headed by a Senior Revenue Officer to again effect demarcation on spot in regard to the encroachment of State Land in Khasra no. 53 at Village Ghat by associating the petitioners.
- (iv) Issue an appropriate writ, order or direction in the nature of certiorari quashing the communication no. 15502-04 dated 15-02-2022 issued by the respondent no. 4 in consequence of communication no. E/SD/D/696-97 dated 14-01-2022 issued by the respondent no. 5 whereby the

petitioners have beendirected for removal of encroachment.

- (v) Issue an appropriate writ, order or direction in the nature of certiorari quashing the demarcation report dated 16-11-2021, effected by the demarcation team headed by Naib Tehsildar Doda constituted in pursuance of order 931-39/OQ dated 13.11.2021.
- (vi) Any other order which the Honble Court may deem, fit and proper in the given facts and circumstances of the case may be granted in the favour of the petitioners in the interest of equity fair play and justice.

2. It is contended that the land measuring 01 kanal 08 marlas, situated in Village Arnora (Ghat), Tehsil and District Doda belonging to the grandfather of petitioner No. 1, was acquired by Assistant Commissioner (R), Doda for the construction of Bus Stand, Ghat and the final award came to be passed in this regard on 28.02.1986. The grandfather had executed a gift deed on 04.04.1996 in favour of the petitioners in 1996 regarding the residence/house existing on the land comprising survey No. 54 measuring 29ft. x 28ft. comprising of two bedrooms, one kitchen, one bathroom, a store and a lobby situated in Village Arnora (Ghat), Tehsil and District Doda. It is stated that the residential house of the petitioners exists on the proprietary land, which is not the part of the award dated 28.02.1996 and the respondents, on the basis of the illegal demarcation report, without associating the petitioners, are misconstruing that the residential property of the petitioners is the part of the Bus Stand, Ghat. The petitioners further claim to have filed an application dated 22.09.2022 for fresh demarcation but respondent No. 2, instead of acceding to the request of the petitioners, directed removal of the encroachment. Besides, it is also urged by the petitioners that the house gifted by the grandfather was renovated by the petitioners and no encroachment has been made by the petitioners on any State land including the land of Bus Stand, Ghat.

3. Respondent Nos. 2 and 3 in their response have admitted execution of the gift deed in favour of petitioners No. 1 regarding the land measuring 3 marlas comprising survey No. 54 of Revenue Village Arnora, Tehsil and District Doda on 04.04.1996, but it is contented by respondent Nos. 2 and 3 that the petitioners have recently extended their structures and some part of it, is constructed on survey No. 53 already acquired for Bus Stand, Ghat, for which, the grandfather of petitioner No. 1 had already received the compensation. Besides, it is urged by the respondents that the fresh demarcation report was sought by the Tehsildar Doda from the field staff, which was received from the office of Tehsildar Doda on 23.02.2023 and as per report, the demarcation was conducted in presence of petitioner Nos. 1 and 2 and as per the record, the total land of survey No. 53 is 01 kanal 08 marlas, which stands acquired for the construction of Bus Stand, Ghat from the grandfather of the petitioner No. 1. It is further transpired that 08 sarsai excess land in the form of extension of the house of the petitioners is in their possession.
4. Heard learned counsel for the parties and perused the record.
5. The petitioners claim to be the owners of the residential house measuring 29ft. x 28 ft., subsequently renovated existing on the land falling under survey No. 54 situated in Village Arnora (Ghat), Tehsil and District Doda. The sole grievance of the petitioners is that they have not encroached upon any State land while constructing/renovating their house over the land referred to hereinabove.
6. Mr. Gagan Basotra, learned Senior Counsel appearing for the petitioners, in order to buttress his submission that the State land has not been

encroached upon by the petitioners, has drawn the attention of this Court to Annexure-6, which is in the form of an NOC issued by the Executive Engineer, PWD, wherein it has been specifically stated that there is no encroachment upon the Government land.

7. The contention of the respondents is that the house has been expanded by the petitioners recently and while doing so, they have encroached 08 sarsai of land in excess comprising survey No. 53, situated in Village Arnora (Ghat), Tehsil and District Doda, which was acquired for the construction of Bus Stand, Ghat.
8. The controversy has now narrowed down with regard to the alleged encroachment by the petitioners over land measuring 8 sarsai, comprising survey No. 53 situated in Village Arnora (Ghat), Tehsil and District Doda. It was vehemently argued by Mr. Basotra that while conducting fresh demarcation, the gift deed and the revenue record accompanying the same were not taken note of by the revenue authorities and as such, communication dated 15.02.2022 issued pursuant thereto, could not have been issued.
9. Though the demarcation report dated 23.02.2023 records that the demarcation was conducted in the presence of the petitioners, the said assertion has been seriously disputed by learned Senior Counsel appearing for the petitioners. Mr. Ravinder Gupta, learned AAG has submitted that the petitioners had earlier filed an appeal against the order dated 15.05.2022 passed by Executive Engineer, PWD R&B Div. Doda, impugned in this petition as well, but the said appeal was dismissed on the ground of maintainability vide order 28.05.2022 passed by learned Addl.

District Judge, Doda. The petitioners have themselves disclosed this fact in para-8 of the petition.

10. Be that as it may, the present petition is **disposed of** with a direction to respondent No. 3, Tehsildar, Doda, to conduct a fresh demarcation to ascertain whether the land measuring 8 sarsai, allegedly encroached upon by the petitioners, forms part of Survey No. 53, situated at Village Arnora (Ghat), Tehsil and District Doda and in the event the fresh demarcation establishes that the aforesaid land forms part of Survey No. 53, the respondents shall be at liberty to proceed further in accordance with the communication dated 15.02.2022 issued by respondent No. 4, in accordance with law. Needless to say that the Tehsildar, Doda shall conduct demarcation in presence of the petitioner and the officials of department concerned.

(**RAJNESH OSWAL**)
JUDGE

Jammu
14.08.2026
Rakesh PS

Whether the order is reportable: Yes/No