

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

WP (C) No. 2185/2022

Date of pronouncement: 30.09.2026

Date of uploading: 30.09.2026

**Govardhan Singh, age 57 years
S/o Rattan Singh
R/o Village Gharota,
Tehsil Bhalwal District Jammu.**

.....Petitioner(s)

Through: Mr. Abhishek Wazir, Advocate

Vs

**1. UT of J&K through
Commissioner/Secretary Revenue, J&K
Government, Jammu.**

..... Respondent(s)

**2. Tehsildar (Executive Magistrate 1st Class)
Bhalwal.**

3. Naib Tehsildar, Bhalwal.

Through: Ms. Malvika Gupta, Advocate vice
Mrs. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

**ORDER (ORAL)
30.09.2026**

1. Petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking quashing of notice dated 27.05.2022 issued by respondent No. 2, Tehsildar (Executive Magistrate 1st Class), Bhalwah, and further seeks a direction to the respondents for conducting an enquiry and also proper demarcation of disputed survey Nos. 1084 and 1083.
2. Precisely stated, respondent No. 2 has issued the impugned show cause notice dated 27.05.2022, asking the petitioner to remove the encroachment

from survey No. 1084, where the land is earmarked for Shishusamadis. (infant burial ground).

3. Although the petitioner stated to have replied to the show cause notice by specifically stating that the said Shishusamadi is situate in survey No. 1083 and not in 1084 and, therefore, same can be resolved by making proper demarcation in both the survey Nos., but without demarcating the land, the respondents have contemplated action against the petitioner, which is contrary to law and procedure established in this regard.
4. On the other hand, though ample opportunities were granted to the respondents, objections have not been filed till date.
5. Be that as it may, it goes without saying that under the provisions of Land Revenue Act, Svt. 1996, there is a complete mechanism provided for surveys and boundaries under Chapter IX, where the powers are conferred upon the revenue officers to define the boundaries and demarcate the land. Therefore, if there is any dispute regarding demarcation of the land, a statutory duty is cast upon the revenue officer to properly demarcate the land, instead of proposing action without performing his duty under the Act of 1996.
6. In this view of the matter, learned counsel for the petitioner submits that in case the concerned revenue authorities are directed to demarcate the land, he will be satisfied.
7. To the prayer made by learned counsel for the petitioner, no serious objection is raised by learned counsel for the respondents.

8. Keeping in view the nature of controversy involved, this petition is disposed of with a direction to the respondent No. 2 (Tehsildar, Executive Magistrate 1st Class), Bhalwal to proceed on the spot and demarcate the survey Nos. 1083 and 1084 respectively and, after proper demarcation and preparation of the report thereof, proceeds strictly in accordance with law. Till then, the impugned notice dated 27.05.2022 shall remain in abeyance.
9. ***Disposed of***, accordingly.

(Shahzad Azeem)
Judge

Jammu
30.09.2026
Mihul

