

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

WP(C) No. 3694/2025
c/w
CCP(S) No. 62/2026

Date of pronouncement: 12.08.2026
Date of uploading: 13.08.2026

Kailash Kumari & Ors.

.....Petitioners

Through :- Mr. Sahil Gupta, Advocate &
Mr. Ghara Ram, Advocate

v/s

UT of J&K & Ors.

.....Respondents

Through :- Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG.
Mr. U. K. Jalali, Sr. Advocate with
Mr. Neeraj Verma, Advocate &
Mr. Pardeep Sharma, Advocate.

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

ORDER

12.08.2026

1. Heard learned counsel for both sides and examined the pleadings as well as documents annexed therewith.
2. Through the medium of the present writ petition, the petitioners seek quashing of the demarcation proceedings initiated pursuant to order dated 03.11.2025, the demarcation report dated **27.11.2025**, as also the consequential direction dated 29.11.2025 issued by the Additional Deputy Commissioner, Sunderbani, to the SHO, Police Station Sunderbani. The grievance of the petitioners essentially pertains to land measuring 3 kanals 19 marlas, which, according to them, forms part of Khasra No. 152 but has allegedly

been treated as falling within Khasra No. 151 under the garb of the impugned demarcation.

3. The case set up by the petitioners is that they are lawful allottees and occupants of land measuring 18 kanals 4 marlas falling under Khasra No. 152, which, according to them, includes the disputed land measuring 3 kanals 19 marlas. They claim to have remained in long, peaceful and uninterrupted possession thereof.

4. It is pleaded that respondent No. 2, the Additional Deputy Commissioner, Sunderbani, constituted a Commission for demarcation of land falling under Khasra No. 151 strictly in accordance with the revenue record. Pursuant thereto, a three-member Committee was constituted vide order dated **03.11.2025**. The Committee conducted demarcation on **21.11.2025** and submitted its report on **27.11.2025**, recording therein that the disputed land falls within the boundaries of Khasra No. 151 and was found vacant on spot. Thereafter, on **29.11.2025**, respondent No. 2 issued a direction to the SHO, Police Station Sunderbani, to take action in the matter.

5. The petitioners contend that the aforesaid proceedings and the consequential direction are contrary to law. According to them, the demarcation report is being used by private respondent Nos. 6 to 8 to take forcible possession of the petitioners' land falling under Khasra No. 152 with the assistance of the police,

notwithstanding the fact that the proceedings before the revenue authorities pertained to Khasra No. 151. It is in these circumstances that the petitioners have invoked the writ jurisdiction of this Court. Upon notice in the petition, this Court, vide order dated 27.12.2025, directed the parties to maintain status quo.

6. The respondents have resisted the petition, inter alia, on the ground of maintainability. Their case is that the impugned proceedings have been undertaken by the competent revenue authorities in exercise of jurisdiction vested in them under the **J&K Land Revenue Act**. Section 94 of the Act empowers the Revenue Officers to define and determine boundaries of survey numbers and holdings. It is, accordingly, contended that the petitioners cannot invoke the extraordinary writ jurisdiction of this Court when an efficacious statutory remedy is available to them. A further objection has been raised that the petitioners had already invoked the revisional jurisdiction of the Divisional Commissioner, Jammu, against the order dated 03.11.2025 passed by the Additional Deputy Commissioner, Sunderbani, and, during the pendency of those proceedings, instituted the present writ petition. According to the respondents, simultaneous pursuit of substantially the same grievance before two different forums amounts to forum shopping and disentitles the petitioners to discretionary relief under Article 226 of the Constitution.

7. The respondents further contend that neither the revenue proceedings nor the impugned demarcation resulted in any alteration of possession or dispossession of the petitioners. It is also their case that the petitioners have no *locus standi* to assert any right or interest in Khasra No. 151, particularly when petitioners Vijay Kumar and Pankaj Kumar had themselves stated before the revenue authorities that they had nothing to do with Khasra No. 151 and that their land falls under Khasra No. 152. They had further stated that they were not causing any interference with Khasra No. 151.

8. According to the private respondents, it was, in fact, the petitioners who attempted to interfere with and encroach upon their land, which led to recourse being taken to the revenue authorities for demarcation. It is contended that the controversy as to whether the disputed land measuring 3 kanals 19 marlas forms part of Khasra No. 151 or Khasra No. 152 involves disputed questions of fact, which cannot appropriately be adjudicated in exercise of writ jurisdiction.

9. The principal controversy between the parties, therefore, centres around the demarcation report. The record reveals that statements of the parties were recorded during the demarcation proceedings in relation to their rival claims concerning Khasra Nos. 151 and 152. During the course of hearing, learned counsel appearing for the respondents submitted that the private

respondents had approached Police Station Sunderbani seeking legal action against the petitioners on the allegation that they were interfering with land measuring 40 kanals falling under Khasra No. 151, situated at Village Chaknoawad. It was thereafter that the revenue agency came to be associated for demarcation of the boundaries.

10. The demarcation report records that, upon spot verification and measurement, the disputed land measuring 3 kanals 19 marlas, claimed by the petitioners to form part of Khasra No. 152, was found to fall within Khasra No. 151 and was lying open on spot. The report further records that the land stood in the tenancy of Mahesh Chander and others under Section 3-A. A *tatima Shajra* in respect of the disputed portion was accordingly prepared on spot.

11. At this stage, it would be apposite to notice the statutory scheme. **Section 94 of the J&K Land Revenue Act** empowers the Revenue Officers, for the purposes contemplated by the Act or upon an application made by an interested person, to define the limits of any estate, holding, tenancy, field or other parcel of land in accordance with the prescribed procedure.

12. Thus, an order directing demarcation, as also the demarcation undertaken pursuant thereto, falls within the statutory jurisdiction of the Revenue Officers under Section 94 of the Act. Section 95, however, confers a distinct power upon the competent

Revenue Officer, while conducting proceedings under Section 94, to direct restoration of possession where it appears that a party to the proceedings has, within six months preceding the date of the order, illegally encroached upon land adjacent to the boundary so defined which was previously in the lawful possession of another party. Such power is exercisable only by an officer not below the rank of Assistant Collector of the First Class. The proviso further contemplates that where proceedings under Section 94 are undertaken by an inferior Revenue Officer, the matter is required to be submitted to the Assistant Collector of the First-Class having jurisdiction for appropriate orders.

13. A conjoint reading of Sections 94 and 95 of the Act makes it manifest that the revenue authorities are competent to undertake demarcation and define boundaries in accordance with the revenue record. The statutory scheme also contemplates restoration of possession in the circumstances specified under Section 95. Such determination, however, does not foreclose adjudication of the substantive rights and title of the parties by the competent civil court. The demarcation proceedings may constitute relevant material for determining possession and boundaries, but cannot be treated as conclusively adjudicating disputed questions of title.

14. In the present case, the petitioners have not demonstrated that the revenue authorities lacked inherent jurisdiction to order or undertake the demarcation. Nor is it their

case that the demarcation was conducted behind their back. On the contrary, the material on record indicates that the demarcation proceedings were conducted in the presence of the parties.

15. More importantly, it has not been satisfactorily disputed that the petitioners had already questioned the order dated 03.11.2025 by invoking the revisional jurisdiction of the Divisional Commissioner, Jammu. The order dated 11.12.2025 placed on record lends support to the said contention. Despite having availed the revisional remedy, the petitioners simultaneously invoked the writ jurisdiction of this Court in respect of substantially the same subject matter.

16. The petitioners have failed to furnish any satisfactory explanation for simultaneously pursuing parallel remedies. A litigant invoking the extraordinary and discretionary jurisdiction of this Court is expected to approach the Court with complete candour and to disclose all material facts, including the pendency of proceedings before another competent forum concerning the same subject matter. Suppression of such material facts, particularly where substantially identical relief is being pursued before another forum, is a relevant consideration while determining whether discretionary relief under Article 226 ought to be granted.

17. Ordinarily, simultaneous pursuit of substantially identical reliefs before different judicial or quasi-judicial forums, coupled with non-disclosure of such parallel proceedings, may

justify dismissal of the proceedings and, in an appropriate case, imposition of costs. In the facts of the present case, however, this Court refrains from imposing costs, particularly as the litigants may have acted on legal advice tendered to them.

18. There is yet another impediment to exercise of writ jurisdiction. The essential dispute between the parties is whether the land claimed by the petitioners as forming part of Khasra No. 152 is, in fact, situated within Khasra No. 151. Resolution of such a controversy would necessarily entail examination of the revenue record, measurements, demarcation proceedings, *tatima Shajra*, possession and other disputed questions of fact. Such an exercise is ordinarily unsuited to adjudication in proceedings under Article 226 of the Constitution, particularly when remedies before the statutory/revisional authority and the competent civil court are available.

19. In view of the foregoing discussion, this Court finds no ground warranting interference with the impugned demarcation proceedings in exercise of its extraordinary writ jurisdiction. The petitioners shall, however, be at liberty to pursue the revisional remedy already invoked by them and/or avail such remedy before the competent civil court as may be available to them in law. Any such proceedings shall be considered by the competent forum on their own merits and in accordance with law, uninfluenced by any observation made herein on the merits of the rival claims.

20. Accordingly, the writ petition is **dismissed**, along with all connected application(s), if any. The interim direction of status quo shall stand vacated.

CCP(S) No. 62/2026

21. In view of the order passed in writ petition bearing **WP(C) No. 3694/2025**, the contempt petition against the respondents is rendered infructuous as such is **dismissed**.

(Sanjay Parihar)
Judge

JAMMU
12.08.2026
Sneha

Whether the judgment is reportable: **Yes**
Whether the judgment is speaking: Yes/No

