HIGH COURT OF JAMMU AND KASHMIR Sr. No.220
AT JAMMU

CPOWP No.179/2014
IA No.1/2015

(Through Video Conferencing)

Janki Nath Bhat

...Petitioner(s)

Through:- None.

V/s

Bashir Ahmed Bhat

…Respondent(s)

Through:- Mr. S.S Nanda, Sr. AAG.

Coram:- HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE

ORDER
11.12.2020

Instant contempt petition has been filed for non-compliance of judgment dated 02.07.2014 passed in OWP No.962/2011 which was disposed of by this Court with a direction to respondent No.2-Deputy Commissioner (Custodian), Shopian to look into the matter, consider the representation and dispose of the same by passing a speaking order.

Statement of facts has been filed by the respondents contending therein that as per the report of Tehsildar concerned with regard to land in question, that the land measuring 10 marlas (Khacharie) has been mutated in the name of the petitioner vide mutation No.620 under exchange of Khacharie land. It is contended that as per the record, the said land meansuring 10 Marlas is recorded in the name of petitioner under Survey No.1815/208, under self cultivation. It is further contended that the petitioner has disposed of the said land measuring 10 Marlas along with entire adjacent land to one Shiraj Ahmad Bhat S/o Gh. Mohi-Ud-Din Bhat

R/o Zainapora as per the power of attorney and agreement to sell dated 24.03.2011 executed by the petitioner. It is also contended that as per the statement of facts the said Shiraz Ahmad Bhat has further sold the said land under agreement to sell to Gani Dobhi S/o Maqbool Dobhi. It is contended that the petitioner has approached different courts against the alleged encroachers against the adjacent Khacharie land, but in an order, Additional Deputy Commissioner, Shopian had ordered vide No.52/ADC/APP/11 dated 07.07.2011 to evict the petitioner as well as non-applicants from the said Khacharie land. It is contended that with regard to Survey No.434, as per the Tehsildar the said Survey mentioned in the petition is purely recorded as Mehfoz Kahcharie and is under plantation, residential houses, cowsheds and other structures of inhabitants of village. It is, therefore, submitted by the answering respondents that there is no question of violation of order passed by this Court.

In view of the statement of facts filed in the matter, no contempt is made out against the respondents and the same is accordingly, closed. The proceedings initiated against the respondents are dropped.

(Tashi Rabstan)
Judge

Jammu
11.12.2020
Surinder

Whether the order is speaking? Yes/No
Whether the order is reportable? Yes/No

SURINDER KUMAR
2020.12.15 10:34
I attest to the accuracy and
integrity of this document