Sr. No. 103

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU
(Through Video Conference)

WP(C) No. 1277/2020
CM Nos. 3952/2020,
3953/2020

Wali Mohd. and others …Petitioner(s)

Through:- Mr. Ajaz Chowdhary, Advocate
(Through video conference)

v/s

Union Territory of J&K and others ...Respondent(s)

Through:- Mr. S.S. Nanda, Sr. AAG
(Through video conference)

Coram: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

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

"(i) **Mandamus**, commanding and directing the respondents to regularize the land in the possession of the petitioners in view of the provisions of the Roshni Act as the petitioners have fully eligible for the same and further directs the respondents not to disturb the present position of the petitioners till the policy for the rehabilitation/regularization of was framed and land was regularized in favour of petitioners.

(ii) Commanding and directing the respondents not to demolish/dismantle the residential houses raised by the petitioners situated at Village Dwara Sidhra Tehsil and District Jammu, as the petitioners belongs to Nomadic community and have the right to use the land in view of the provision of the Forest Act.

(iii) Commanding and directing the respondents not to demolish the night shelter of the petitioner as the same is violative of

the judgment passed by the Hon'ble Supreme court in case titled "Peoples Union for Civil Liberties V/s Union of India & Ors." vide order dated 16.12.2010 and also violative of the circular issued by the respondent no. 1 dated 11.03.2011.

(iv) **Any** other writ, command, order or direction, which this Hon'ble Court may consider just and fair in the facts and circumstances of the case."

2. The Act under which the petitioners are seeking the relief has already been repealed, therefore, there is no question of granting such a relief as claimed by the petitioners.

3. At this stage, learned counsel for the petitioners seeks withdrawal of this writ petition with liberty to approach the concerned authority for redressal of their grievances.

4. In view of the statement made by learned counsel for the petitioners, this writ petition is dismissed as withdrawn with liberty to the petitioners to approach the concerned authorities by making a representation and the concerned authorities shall consider and dispose of the same in accordance with law.

5. Connected CMs also stands dismissed.

(VINOD CHATTERJI KOUL)
JUDGE

JAMMU
10.08.2020
Pawan Angotra

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

PAWAN ANGOTRA
2020.08.13 14:14
I attest to the accuracy and
integrity of this document