Serial No. 24
After notice list

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

OWP No. 482/2009 (O & M)

Residents of Village Dassal Jatta,
Tehsil & Distt Rajouri and others …Petitioner(s)

Through:- None.

v/s

State of J&K and others ….Respondent(s)

Through:- None.

Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

ORDER

01. The petitioners had approached this Court way back in the year 2009, praying for the following reliefs:-

> "i) **Prohibition**, prohibiting and restraining the respondents/ Education Deptt. from shifting the site/location of Primary School Dassal Jatta (Gharibaan), Rajouri to any other place and from raising construction of the aforesaid Primary School building at any other place or location other than Dassal Jatta Gharibaan, Rajouri to the disadvantage and detriment of the school going children and residents of the locality/village. Further restraining the respondents from encroaching upon the Auquaf/graveyard land of Muslim community by raising construction of the aforesaid school building.
>
> ii) **Mandamus**; commanding and directing the respondents to raise the construction of the primary School building at the present place/location of village Dassal Jattan Gharibaan, Rajouri being the central place of the entire village and within easy reach of the school going children from all sides of the locality."

02. While issuing notice in the petition on 06.05.2009, this Court passed the following order:

"Issue notice to the other side returnable within four weeks. Requisite steps within one week.

CMP No. 642/2009

Appearance and notice as above.

On the strength of the material available coupled submissions made what emerges is that the construction of school building is proposed on the land covered under survey No. 149 situated at Dassal Jattan when as per revenue entries portion of the land is recorded in the name of temple, portion is recorded in the name of graveyard and portion is recorded as 'Ghar-mumkin Rasta'. Raising of construction is projected to be violative of certain religious rights.

Considered.

Until objections to be filed by the respondents status-quo i.e., present prevalent position on spot be not disturbed."

03. In compliance to the interim order passed by this Court on 06.05.2009, the Zonal Education Officer, Rajouri has filed a status report today, wherein it is stated that the prayer made in the present petition has been rendered infructuous as the construction work of the school building in question in original place has been completed in all respect in the year 2013-14."

04. In view of the aforesaid development, nothing survives in the present petition and the same is, accordingly, dismissed.

(RAJESH BINDAL)
JUDGE

Jammu
23.06.2020
Vijay

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

VIJAY KUMAR
2020.07.30 10:23
I agree to specified
portions of this document