

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

Case:- WP(C) No. 1188/2022
CM No. 3499/2022

1. Mohd. Akbar, aged 70 years,
2. Sakhi Mohd., aged 53 years, both sons of Din Mohd. Gujjar
r/o village Markote at present village Atoli, tehsil Mandi,
district Poonch.

.....Petitioners

Through: Mr. R. P. Sharma, Advocate

Vs

1. UT of J&K through Commissioner/Secretary, Revenue Department,
Civil Secretariat, Jammu.
2. Additional Deputy Commissioner, Poonch (with powers of
Commissioner Agrarian Reforms, Poonch).
3. Mohd. Rafiq s/o Abdul Karim r/o village Atoli, tehsil Mandi, district
Poonch.

..... Respondents

Through: Mrs. Monika Kohli, Sr. AAG for R-1 & 2.
Mr. S. H. Rather, Advocate for R-3.

Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER
23.02.2024

(Oral)

01. Upon coming up this matter for consideration, the appearing counsel for the respondent 3, being the lone contesting party in the petition, would fairly concede to the setting aside of the

impugned order dated 10.03.2020 and remanding of the matter back to the Appellate Authority i.e. respondent 2 for reconsideration of the appeal filed by the respondent 3 herein against the petitioners as being a non-speaking order. Statement of appearing counsel for the respondent 3 is taken on record.

02. On a bare perusal of the impugned order, it reveals that the said impugned order has been passed by respondent 2 without recording any reasons, having been passed mainly on account of the non-appearance of the respondents/petitioners herein.

03. In view of the aforesaid position, the instant petition is **allowed** and the impugned order dated 10.03.2020 is set aside. The appeal preferred by the respondent 3 before the respondent 2 against the petitioners herein shall stand revived before the respondent 2 i.e., the Appellate Authority, and the respondent 2 shall re-consider and revisit the appeal and dispose of the same in accordance with the law on its own merits after affording adequate opportunity of hearing to the parties.

04. The parties shall appear before the respondent 2 on 18.03.2024.

05. Till the appeal is finally decided by the Appellate Authority, as directed above, parties shall maintain *status-quo* on

spot, however, the agriculture pursuits undertaken already shall not be interfered with.

06. *Disposed of* along with connected application(s).

(JAVED IQBAL WANI)
JUDGE

JAMMU
23.02.2024
Muneesh

Whether the order is speaking : Yes / No

Whether the order is reportable : Yes / No

