

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

**WP(C) No. 1393/2020**

**c/w**

**WP(C) No. 1656/2020**

Sharak Dev Singh Jamwal and others

.....Appellant(s)/Petitioner(s)

Through: Mr. Qayoom Choudhary, Advocate  
In WP(C) No. 1393/2020  
Mr. Qayoom Choudhary, Advocate vice  
Mr. Ajaz Choudhary, Advocate  
In WP(C) No. 1656/2020

**vs**

UT of J&K and others

..... Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG.

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

**ORDER**  
**06.09.2024**

**ORAL**

1. The instant petitions filed by the petitioners under Article 226 of the Constitution raise issues which are common, analogous and akin to each other, as such, are being taken up for final disposal together and are accordingly disposed of hereunder.
2. The petitioners herein claim to be in occupation and possession of land covered under survey No. 482 situated at Upper Thathar, Jammu having vested in them pursuant to various power of attornies executed by the petitioner 1 herein, registered with Sub-Registrar, Munsiff Jammu, whereafter the petitioners herein constructed their residential houses there on some portion of their respective land and continued to conduct agricultural activities on left over portions of the said land and

that the respondents herein without any competence, power and jurisdiction, on 07.08.2020 started interfering with the petitioners' possession, occupation and enjoyment of the said land and residential houses constructed thereon and in fact called upon the petitioners to vacate therefrom and further dumped poles as well as barbed wire on spot for fencing the land in question.

3. **Objections** to the petitions have been filed by the respondents herein, wherein it is being stated that the land in question covered under survey No. 482 comprises of 914 Kanal and 12 Marlas is recorded State land in the revenue records and that the land stands mutated in favour of the petitioner 1 in 1992 B.K. vide mutation No. 69 under Ailan 17 dafa 12 as per order of the Revenue Officer, under which Ailan the land is to be utilized for raising timber, fuel and grass and that the said Ailan do not confer any proprietary rights over the possessors of the land and that the land in question could not have been transferred or its possession part with by petitioner 1 herein. It is being further stated that notwithstanding the fact that the respondents herein did not undertake any process of eviction against the petitioners herein for retrieving the land in question, and as such, the petition is pre-mature, maintained without infringement of any of the rights of the petitioners herein.

**Heard learned counsel for the parties and perused the record.**

4. Having regard to the case set up by the parties in their respective pleadings, it is deemed appropriate to dispose of the instant petitions at

this stage, more particularly in view of the fact that the respondents herein have not denied the occupation and possession of the petitioners over the land in question or else seeking their eviction therefrom the land in question.

Therefore, without expressing any opinion as to the entitlement or otherwise of the petitioners over the land in question, lest it may prejudice the rights of the parties herein, the instant petitions are disposed of by directing the respondents herein to forbear from undertaking any process of eviction of the petitioner herein from the land in question or demolition of their residential houses claimed to have been constructed by the petitioners over the land in question, without following procedure prescribed by law.

**5. Disposed of.**

6. A copy of this order shall be placed on the record of WP(C) No. 1656/2020.

**(JAVED IQBAL WANI)**  
**JUDGE**

**Jammu**  
**06.09.2024**  
*Sahil Padha*

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