Sr. No. 4

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: WP(C) No. 46/2024
CM No. 96/2024

Taranam Nasar Khan,
D/O Mohd. Nasar Khan,
Resident of H.No. 146
Channi Himmat Jammu.
Through Attorney Holder,
Arfan Ahmed Khan
S/O Ehsan Ullah Khan
R/O Housing Colony Sidhra Bye Pass Jammu. …Petitioner(s)

Through :- Mr. Masood Ahmed, Advocate

Vs

1.UT of J&K through Commissioner/Secretary,
Civil Secretariat, Jammu.

2. Director, Land Records
(Ex-officio settlement officer)
Gole Gujral, Jammu.

3. Deputy Commissioner, Jammu.

4. Tehsildar, Tehsil Bahu, District Jammu. …Respondent(s)

Through :- Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
19.02.2024

1. Petitioner, through the medium of this petition has sought following relief:-

> "***Writ of mandamus whereby commanding the respondents, especially respondent No. 4 to attest mutation in favour of petitioner with respect to land consisting of one (1) Kanal, eighteen (18) Marlas falling under Khasra No. 254 & 255 and two (2) Marlas falling under Khasra No. 256 situates at village Tanger Tehsil Bahu, Jammu District Jammu, in view of the gift deed dated 22nd Feb. 1999, which is duly executed and registered before the Hon'ble Court of Sub-Registrar Jammu in the interest of justice and fair play."***

2. Learned counsel appearing for the petitioner submits that the land comprising of Khasra Nos. 254 and 255 measuring 01 Kanal and 18 Marlas and Khasra No. 256 measuring 02 Marlas situated at village

Thanger, Tehsil Bahu, District Jammu is not being attested in favour of the petitioner though she is entitled to it, in view of the fact that gift deed dated 22.02.1999 is duly executed and registered before the court of learned Sub-Registrar, Jammu in her favour by the owner of the land in question, despite making an application and the requisite fee deposited. Petitioner is thus aggrieved of alleged in-action on the part of the respondents-authorities.

3. Learned counsel for the petitioner further submits that petitioner will be satisfied in case, the petition is disposed of at this stage with a direction to the respondents to consider the application moved by the petitioner in accordance with law.

4. Having regard to the nature of the relief sought in the petition, this petition is disposed of at this stage, with a direction to the respondents to consider the application moved by the petitioner having been received by the Tehsildar concerned vide receipt No. 2777937 in the month of November, 2019. Respondents shall consider the application and pass a speaking order thereon within a period of eight weeks from the date a copy of this order is served upon them.

5. The writ petition is, accordingly, disposed of, at the motion stage.

(MA CHOWDHARY)
JUDGE

JAMMU
19.02.2024
Meenakshi