Serial No. 144
Supplementary List-1

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP(C) No. 3643/2025

Inhabitants of Village Parat
Th. Mohd. Ibrahim Poswal
Aged 66 S/o Mohd. Hussain Poswal
R/o Parat, Mendhar, District Poonch

.....Petitioner

Through: Mr. Arshad Majid Malik, Advocate

Vs

1. **Union Territory of J&K Th. its Principal/Secretary to Government, Revenue Department, Civil Secretariat, Jammu/Srinagar**
2. **The Deputy Commissioner, Poonch**
3. **The Sub-Divisional Magistrate, Mendhar**
4. **The Tehsildar, Mendhar**

.....Respondents

Through: Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(24.12.2025)

01. The purpose for which the petitioner-Mohd. Ibrahim Poswal, resident of village Parat, Mendhar, district Poonch, has taken upon himself to be the representative of Inhabitants of village Parat in coming forward with the representative writ petition by reference to exercise of authority by the Tehsildar, Mendhar, district Poonch, in issuing **order No. Teh/Mdr/OQ/2025/924 dated**

11.10.2025 directing removal of encroachment from the 'Kacharai' land comprised in **khasra No. 188**, is not legally available at his disposal to come up with the representative writ petition even if the site of khasra No. 188 is having religious structure existing at the site.

02. It is the bounden duty of District Administration headed by Deputy Commissioner to ensure that the 'State Land/Kacharai Land/Common Land and Shamlat Deh Land' is not encroached and usurped by any person or group of persons bearing disguise of religion, as the State is supposed to maintain its constitutional character and writ and that means the nature of the property at the disposal of and relatabling to the State has also to stay free and secured without being encroached or usurped by an individual or group of individuals belonging to any religion, caste or creed and in doing so, the District Administration shall be carrying out the constitutional trust to action to let it be known that as to how a State acts with firm and unyielding mind and manner in safeguarding the 'State Land/Kacharai Land/Common Land and Shamlat Deh Land'.

03. Therefore, this Court is not inclined to grant permission to **CM No. 8314/2025** for maintaining the present writ petition in a representative capacity which aims to deter

removal of a so called premises of a religious nature from 'Kacharai land'.

04. Accordingly, the application **CM No. 8314/2025** is ***dismissed***.

05. Copy of the order be forwarded to the Deputy Commissioner concerned for notice and compliance.

(RAHUL BHARTI)
JUDGE

JAMMU
24.12.2025
SUNIL

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

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