Regular Cause List
Serial No. 10

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case:- CRMC No. 129/2019
CrlM No. 345/2019[1/2019]
c/w
Crl CP No. 3/2019

Omkar Singh .....Petitioner(s)

Through: Mr. G. S. Thakur, Advocate.

Vs

Executive Magistrate 1st Class ..... Respondent(s)

Through: Mr. Suneel Malhotra, GA.

CORAM: HON'BLE MR. JUSTICE YASH PAUL BOURNEY, JUDGE

ORDER
(04.11.2026)

CRMC No. 129/2019

1. The controversy highlighted by way of this petition is about a big chunk of land measuring 49 kanals 7 marlas falling under Khasra No. 356 situated at village Mandli, Tehsil Billawar, which is recorded as shamlat-deh in the ownership column and is in the possession of one-Thakri Devi and Kehak Thakkar as shareholders in equal share and in the relevant column, the kind of soil is recorded as banjarqadeem.

2. As per thejamabandifrom the year 1970-71 to the year2015-16, the land in question is recorded as banjarqadeem.However, KhasraGirdawari of kharif 2018 reflects an additional entry of 5 Kanals 8 Marlas in favour of school. However, the major part of the landcontinues to be recorded as banjarqadeem.

3. It is not understandable as to how two persons came to be recorded in possession of the entire chunk of land under the said survey number, which otherwise continues to be uncultivable and how these persons were exerting

their possession or exercising their effective control over this land for the open knowledge of all other interested therein.

4. These entries appear to be on paper only, whereas on ground, the nature of land continues to be as it was way back in 1971. However, it appears that attempts are being made to occupy/change the nature of the soil and to bring it under cultivation by certain persons who are claiming to be co-sharer therein. These entries are sought to be challenged by the inhabitants of the village, who called upon the Executive Magistrate of the area to stall any such attempts.The Magistrate concerned, in exercise of the powers vested under Section 133 of the Land Revenue Act has proceeded to issuean order calling upon the parties to maintainthe status-quo.

HIGH COURT

5. The grievance of the petitioner is that an attempt is being made to dispossess and dislodge them without following the due process of law.The matters require to be enquired into by the Executive Magistrate concerned but before doing so, he needs to preserve the status of the land as it exists on spot. It is, however, not clear whether the application filed by the villagers, seeking to restrain the petitioner from encroaching upon the land in question has been finally disposed off or is still pending consideration. Nevertheless, Tehsildar concerned is required to enquire into the matter and hear everyone before passing any final order.

6. Viewed thus, the matter needs to be and is ordered to be enquired into by taking on board all the stake holders. It has also to be ascertained whether the petitioner has ever remained in possession of the land in question and

exercised control over the same to the open knowledge of the villagers. Upon conclusion of such an enquiry, the Tehsildar concerned is expected to pass a reasoned and speaking order. Till such time, both parties shall maintain status-quo with respect to the land in question.

Crl CP No. 3/2019

7. In light of order passed in the main petition bearing CRMC No. 129/2019, the instant contempt petition is also ***disposed of***.

(YASH PAUL BOURNEY)
JUDGE

JAMMU
04.11.2026
Shivalee

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

Shivalee Khajuria
2026.11.04 17.55
I attest to the accuracy and
integrity of this document
Jammu