HIGH COURT OF JAMMU, KASHMIR AND LADAKH
AT JAMMU

CM(M) No. 181/2026

Diocese of Jammu Srinagar Society …..Appellant(s)/Petitioner(s)

Through: Mr. Ajay Bakshi, Adv.

vs

Patwari Halqa Akhnoor and others ….. Respondent(s)

Through: Ms. Sagira Jaffer, Adv. vice
Ms. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
29.08.2026

1. The petitioner has impugned order dated 12.06.2026 passed by the Sub-Divisional Magistrate(SDM), Akhnoor, whereby the application preferred by the petitioner for recalling of order dated 24.02.2026 has been dismissed.

2. Learned counsel for the petitioner submits that order impugned dated 12.06.2026 was passed by the SDM, Akhnoor without affording opportunity of hearing to the petitioner and even without issuing notice to the other side. He further submits that the order impugned be set aside as the same has been passed in utter disregard of principle of natural justice and SDM, Akhnoor be directed to decide the same after affording due opportunity of hearing to the petitioner.

3. Notice

4. Notice waived by Ms. Sagrra Jaffar, Advocate appearing vice Ms. Monika Kohli, learned Sr. AAG on behalf of the official respondents. There is no need to issue notice to the other respondents.

5. With the consent of learned counsel appearing for the parties, the matter is taken up for final disposal.

6. The order impugned reveals that the application preferred by the petitioner for setting aside/recalling of order dated 24.02.2026 has been decided by the SDM Akhnoor without affording due opportunity of hearing. This Court is of the considered view that due opportunity of hearing was required to be afforded to the petitioner (See **Jawala Prasad v. Ajodhya Prasad AIR 1983 SC 304**).

7. In view of above, order impugned dated 12.06.2026 is set aside. The matter is remitted to the SDM, Akhnoor to decide the application preferred by the petitioner for recalling of order dated 24.02.2026 afresh after affording due opportunity of hearing to the petitioner. Needless to say that this Court has not examined the merits of the claim of the petitioner.

8. Disposed of.

(RAJNESH OSWAL)
JUDGE

Jammu
29.08.2026
Rakesh PS

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

Rakesh Kumar
2026.08.31 12:05
I attest to the accuracy and
integrity of this document
Jammu