

S. No. 70
Before Notice Matters

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 2702/2022
CM No. 6837/2022
CM No. 6838/2022

Chain Kumari

.....Petitioner(s)

V/s

Through: Mr. Sheikh Umar Farooq, Adv.

UT of J&K and Ors.

..... Respondent(s)

CORAM:

Through:

Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER

01.12.2022

The petitioner has challenged Notice dated 09.11.2022 issued by Naib Tehsildar, Kangan, Ganderbal (Assistant Collector 2nd Class) whereby the petitioner has been asked to remove the encroachment from the land comprising Khasra No. 66 at Haripora, Kangan within seven days.

Learned counsel for the petitioner has submitted that the impugned notice has been issued by an authority that is not competent to do so. Learned counsel has further submitted that as per the provisions contained in Section 133 of the Land Revenue Act, it is only the Assistant Collector 1st Class who is empowered to issue such a notice.

Issue notice to the respondents subject to taking of necessary steps by the petitioner within a weeks' time.

In the meantime, the impugned notice issued by respondent No. 4 shall remain in abeyance.

List on 03.02.2023.

(Sanjay Dhar)
Judge

SRINAGAR

01.12.2022

"Aasif"