

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

WP(C) No. 78/2023  
CM No. 185/2023

Braham Raj and others

....Petitioner/Appellant(s)

Through :- Mr. L. K. Sharma, Sr. Advocate with  
Mr. Mohit Kumar, Advocate.

V/s

UT of J&K and others

....Respondent(s)

Through:-

**Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**  
**20.01.2023**

Heard learned senior counsel for the petitioners.

Tehsildar Jammu-respondent no. 4 came to pass an order dated 10.06.2006 directing eviction of the petitioners' father-Ram Krishan along with other persons from land measuring 3 kanals 15 marlas comprised in khasra no. 478 village Dhatriyal at present Marh, district Jammu.

At the time of passing of this order there had taken place re-numbering of khasra numbers including khasra no. 478 which originally comprised of 122 kanals and 19 marlas of land.

Feeling aggrieved of this order, the petitioners joined by the other aggrieved persons had preferred an appeal under the Land Revenue Act, Svt. 1996 before the Collector (Settlement Officer), Jammu-respondent no. 3

which came to be rejected by the said appellate authority vide an order dated 30.06.2007 resulting in the matter being taken in revision on file no. 294/FC-AP, 359/FC-AP and 369/FC-AP in terms whereof an order dated 07.05.1981 passed by the Tehsildar, Jammu with respect to land of khasra no. 478 min to the extent of 8 kanals, order dated 18.12.1975 passed on mutation no. 222 to the extent of land measuring 12 kanals 6 marlas comprising in khasra no. 478. This revision was preferred before the respondent no. 2-Financial Commissioner (Revenue), J&K, Jammu who vide his order dated 13.10.2022 has come to hold the revisions so filed being devoid of merit. It is against this adjudication that the present writ petition is addressed to.

Learned senior counsel for the petitioners submits that the revenue authorities below have gone totally wrong and incorrect on correct factual aspects of the case as well as the revenue record.

*Prima facie* case is made out.

Issue notice to the respondents.

Petitioners to furnish registered postal covers for service of the respondents within seven days, whereupon the Registrar Judicial, Jammu to issue notices to the respondents.

List on 06.03.2023.

In the meantime, subject to objections from the other side and till next date of hearing before the Bench, operation of the order dated 13.10.2022

passed by the respondent no. 2-Financial Commissioner, (Revenue) J&K, Jammu, order dated 30.06.2007 passed by the respondent no. 3-Collector (Settlement Officer), Jammu and order dated 10.06.2006 passed by the respondent no. 4-Tehsildar, Jammu shall remain stayed and status quo be maintained.

**(RAHUL BHARTI)**  
**JUDGE**

JAMMU  
20.01.2023  
*Shivalee*

