



Serial No. 206

2020:JKLHC-JMU:9021

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

OWP No. 608/2010 (O & M)
(Through Video Conferencing)

Union of India and anotherPetitioner(s)

Through: None

v/s

J & K Cooperative Union and othersRespondent(s)

Through: Mr. Adarsh Sharma, Advocate for
Respondent No. 6

Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

ORDER

01. The present petition has been filed impugning the letter dated 16.01.1991 vide which the Divisional Commissioner, Jammu had allotted a piece of land measuring 30 Kanals 13 Marlas, situated in village Sitnee Nagrota, Jammu for construction of Cooperative Training College building and Hostel at Nagrota to Cooperative Department. It is mentioned in the aforesaid communication that the land is nominally in possession of the Jammu Development Authority and it was learnt that they have not done any development there though the land belongs to the Government.

02. The fact which is not disputed by the learned counsel appearing for the Jammu Development Authority is that the aforesaid piece of land is in possession of the Army since the year 1973. It is only that the entry in the



revenue record was in the name of Jammu Development Authority. Apparently for this reason the land in question was transferred by the Divisional Commissioner, Jammu to the Cooperative Department for construction of Cooperative Training College building and Hostel at Nagrota.

03. The Divisional Commissioner has not filed any objections to the aforesaid petition though the matter is pending in this Court for the last more than a decade.

04. Considering the stand taken by the Jammu Development Authority, in my opinion the present petition deserves to be allowed and the impugned communication dated 16.01.1991 deserves to be quashed for the reason that the land which was presumed to be vacant and recorded in the ownership of the Jammu Development Authority was in fact in possession of the Army since 1973. Hence there arose no question of its allotment to the Cooperative Department for construction of Cooperative Training College building and Hostel at Nagrota.

05. For the reasons mentioned above, the present petition is allowed and the impugned communication dated 16.01.1991 is quashed.

06. The Registry is directed to send copy of this order to the petitioner.

(RAJESH BINDAL)
JUDGE

Jammu
24.11.2020
Vijay

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