

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

Case No.:- WP(C) No. 782/2023

Sajad Hussain

.....Petitioner(s)

Through: Mr. Umar Shakeel, Advocate vice
Mr. A.M. Malik, Advocate.

Vs

UT of J&K & ors

..... Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R-1,2 and 5.
Ms. Pallavi Sharma, Advocate vice
Mr. Ravinder Gupta, AAG for R-3.

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

ORDER
02.07.2025

1. By virtue of a mutation No. 1248 dated 18.03.2008 attested by the Tehsildar, Udhampur, ownership rights came to be purportedly vested in favour of the petitioner Sajjad Hussain for plot of land measuring 4 marlas and 3 sarsai comprised in khasra No. 1623/125 of village Udhampur under Roshni Act for which the petitioner came to deposit requisite regularization amount of Rs. 97,500/-.
2. The petitioner is said to have raised a kacha kotha at the site of the aforesaid plot of land which came to be demolished

by the district administration acting under the effects of Circular No. 02 JK (Rev) of 2023 dated 09.01.2023 which led the petitioner to come to this Court with the present writ petition alleging that while on the one hand he has been purportedly divested of his rights qua the plot and dispossessed from the spot and on the other hand his money has also been retained by the Government.

3. This Court calls upon the Commissioner/Secretary to Government, Revenue Department to state the position of the Government on an affidavit as to any policy decision taken at the end of the Government of UT of Jammu and Kashmir with respect to the return of the regularization charges received from the beneficiaries under the Roshni Act on the basis of which the regularization of the land had come to take place, as is the case of the petitioner who came to deposit an amount of Rs. 97,500/- for the purpose of seeking vesting of the ownership rights under the Roshni Act, only to be dispossessed from the site and also to be left without any reimbursement of the money so paid by him.
4. Let requisite affidavit be submitted by the Commissioner/Secretary to Government, Revenue Department in the case by or before the next date of hearing.
5. List again on 30.07.2025.

6. A copy of this order be provided by the Registrar Judicial, Jammu to Mrs. Monika Kohli, learned Sr. AAG for notice and compliance at the end of the Commissioner/Secretary to Government, Revenue Department.

(RAHUL BHARTI)
JUDGE

JAMMU
02.07.2025
Naresh/Secy.

