

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

Case:- WP(C) No. 762/2022
c/w
CCP(S) No. 146/2022

Jahan Ara & Ors.Appellant(s)/Petitioner(s)

Through: Mr. Virender Bhat, Advocate.

Vs

UT of J&K and Ors.

..... Respondent(s)

Through: Ms. Sugandh Gandotra, Advocate vice
Mrs. Monika Kohli, Sr. AAG.
Mr. Rajnish Raina, Advocate.

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

**ORDER
(06.05.2024)**

- 01.** Originally the writ petition was addressed against four respondents, namely, UT of Jammu & Kashmir (erstwhile state of Jammu & Kashmir) through its Financial Commissioner (Revenue) J&K, Jammu as respondent No. 1, Divisional Commissioner, Jammu as respondent No. 2, Deputy Commissioner, Jammu as respondent No. 3 and Senior Superintendent of Police, Jammu as respondent No. 4.
- 02.** Later on, by intervention of an application CM no. 4974/2022, Chief Executive Officer, Jammu Smart City Ltd., Jammu sought intervention as party respondent No. 5 in the writ petition which application came to be allowed in

terms of an order dated 13.03.2024 thereby making the array of respondents to be of five respondents.

03. Response to this writ petition has come only from the respondent No. 3 i.e. the Deputy Commissioner, Jammu and by newly added respondent No. 5 i.e. Jammu Smart City meaning thereby Divisional Commissioner, Jammu as well as the Financial Commissioner (Revenue), J&K, Jammu which are the highest revenue authorities of UT of Jammu & Kashmir and Jammu province respectively have chosen to keep mum on the subject matter of the writ petition which pertains to the very existence of the land allegedly purchased by the petitioners which got duly mutated in the revenue record thereby conforming the physical existence of the land of the petitioners in the khasra numbers as mentioned in the respective sale deeds and also in the respective mutations.

04. It is, thus, for the Divisional Commissioner, Jammu and Financial Commissioner (Revenue), J&K, Jammu who have to come forward with the response to the writ petition and not leave it to the Deputy Commissioner, Jammu to speak from his end as Deputy Commissioner, Jammu cannot respond on behalf of the Financial Commissioner (Revenue), J&K, Jammu as well as Divisional Commissioner, Jammu because the Deputy Commissioner,

Jammu does not hold the brief of above said two respondents.

- 05.** Therefore, this Court calls upon the Financial Commissioner (Revenue), J&K, Jammu and Divisional Commissioner, Jammu to come forward with their respective replies within a period of two weeks, failing which the two respondents shall suffer the risk of any adverse direction in the matter from this Court.
- 06.** List again on **01.07.2024**.
- 07.** Interim direction in terms of order dated 04.04.2022 to continue till next date of hearing.

JAMMU
06.05.2024
Bunty

