

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

OWP no. 350/2013
IA Nos. 1220/2013 &
463/2013

Isher Dass

....Petitioner/Appellant(s)

Through :- Mr. A.K. Shan, Advocate.

V/s

J&K Special Tribunal and ors.

....Respondent(s)

Through :- None for R Nos. 1 and 2.
Mr. RKS Thakur, Advocate for R-3 to 5.

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

ORDER

10.03.2023

After hearing the learned counsel for the petitioner at a length, one aspect has come into picture which is that after passing of the impugned judgment dated 12.12.2012 by the Jammu and Kashmir Special Tribunal, Jammu in the revision petition preferred by the private respondents no. 3 to 5 whereby while allowing the revision petition of the private respondents no. 3 to 5, the Jammu and Kashmir Special Tribunal came firstly to set aside the order with respect to mutation no. 456 attested in favour of the present petitioner herein and secondly directed the Tehsildar, Agrarian Reforms, Udampur to record and attest mutation afresh declaring not only the private respondents no. 3 to 5, the petitioner but also one other brother of them to be the prospective owners of the land, the respondents no. 3 to 5 are alleged to have disclaimed their status viz the

land in issue. In this regard it is submitted by the learned counsel for the petitioner that the petitioner, in his writ petition, has referred to an affidavit dated 14.02.2013 alleged to have been sworn by two of the private respondents herein, namely, Sita Ram and Om parkash including one Viashno Dutt in terms whereof the said private respondents no. 4 and 5 are meaning to acknowledge the status of the petitioner as owner of the land in reference and also soliciting attestation of a mutation under section 8 of the Agrarian Reforms Act, 1976 in favour of the petitioner.

To this affidavit, purportedly, of the private respondents no. 4 and 5, the respondents in their objections have not at all adverted to.

Learned counsel for the private respondents no. 3 to 5 is directed to respond to the affidavit so accompanying the writ petition as annexure-D. Needful be done within a period of four weeks.

List again on 28.04.2023.

(RAHUL BHARTI)
JUDGE

JAMMU
10.03.2023
NARESH/PS