

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

Case No.:- CPOWP No. 65/2019 in  
OWP No. 2012/2017.

Amar Singh and anr

.....Petitioner(s)

Through: Mr. G.S. Thakur, Advocate.

**Vs**

Rafiq Ahmed Jaral,  
Tehsildar, Bhalwal.

..... Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice  
Mrs. Monika Thakur, Sr. AAG.

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

**ORDER**  
**27.12.2024**  
सत्यमेव जयते

1. This is an ongoing contempt petition which was instituted in March, 2019 with respect to a direction given in an order dated 07.08.2018 disposing of a writ petition-OWP No. 2012/2017 filed by two petitioners who are now the petitioners in the present contempt petition as well.
2. The petitioners came forward with said writ petition-OWP No. 2012/2017 bearing a plea that their forefathers were having shamlat land under khewat No. 13 of village Barn, tehsil Bhalwal which was unpartitioned but all the shareholders were holding their symbolic possession over the respective

share out of which some of the shareholders had moved an application under sections 105, 118-A and 118-B of the J&K Land Revenue Act, Svt. 1996 before the Assistant Settlement Officer, Jammu for partition of said khewat related land which came to be transferred in August, 2001 to the Tehsildar, Bhalwal and the said application came to be actually decided on 12.09.2009 but the possession of the partitioned land was not delivered to the petitioners in which the petitioners No. 1 and 2 claimed to be entitled to 47 kanals 11 marlas each.

3. It is in this backdrop that the petitioners in the writ petition-OWP No. 2012/2017 registered their grievance that they are being deprived of their respective possession of partitioned land to which they are entitled to and the application for partition is still pending disposal before the Tehsildar, Bhalwal for the last seventeen (17) years.
4. It is in this factual backdrop that the writ petition-OWP no. 2012/2017 came to be disposed of with a direction to the Tehsildar, Bhalwal to consider and dispose of the partition application titled '**Gandarab Singh and anr vs. Ram Singh and anr**' for partition of the shamlat land under khewat No. 13 of village Baran, tehsil Bhalwal.
5. It is with respect to this direction that the instant contempt petition came to be generated which has led to the filing and

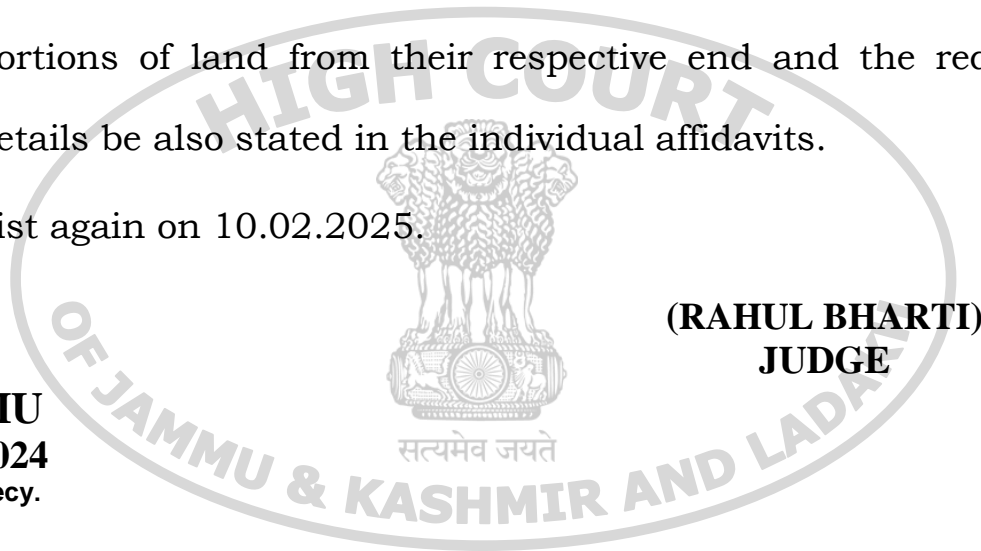
piling of number of statement of facts on the part of the Tehsildar, Bhalwal.

6. Today, Madam Monika Sharma, Tehsildar, Bhalwal is present in person and submits by reference to an Order No. TB/CC/24-25/491 dated 24.10.2024 that the petitioner No. 1 Amar Singh on record has sold 34 kanals 10 marlas out of his share of the shamlat land and the petitioner No. 2-Pritiam Singh has also sold 38 kanals 1 marla out of his share.
7. If that be so, it means that the petitioners No. 1 and 2 all along were fully conscious of their actual possession of their respective shares and that is why they led themselves to indulge in the transfer of the above extent and portion of the land by virtue of the sale deeds. However, the details of the sale deeds are not finding mention in the said Order No. TB/CC/24-25/491 dated 24.10.2024 of the Tehsildar, Bhalwal with corresponding attestation of mutations.
8. Tehsildar, Bhalwal is directed to come up with full disclosure of facts on this count and place them in the form of a status report.
9. If the facts as being reported by the Tehsildar, Bhalwal in the aforesaid Order No. TB/CC/24-25/491 dated 24.10.2024 are true that the two petitioners have actually sold their shamlat portion of land out of their shares then the very filing of the writ petition-OWP No. 2012/2017 and the present contempt

petition on behalf of the petitioners was nothing but sheer abuse of the process of law for which this Court reserves its discretion to proceed subject to first confirmation of facts from the Tehsildar, Bhalwal.

10. Let the requisite compliance be carried out at the end of the Tehsildar, Bhalwal.
11. In the meantime, the learned counsel for the petitioners is also directed to place individual affidavits of the petitioners as and when they came to carry out the transfer of the shamlat portions of land from their respective end and the requisite details be also stated in the individual affidavits.
12. List again on 10.02.2025.

**JAMMU**  
**27.12.2024**  
Naresh/Secy.



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