

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

Case No.:- WP(C) No. 978/2025
CM No. 2346/2025

Charan Singh

.....Petitioner(s)

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

Vs

Additional Deputy Commissioner with the power of Agrarian Reforms Rmban
and ors.

..... Respondent(s)

Through: Ms. Nazia Fazal, Advocate with
Mrs. Monika Kohli, Sr. AAG.

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

ORDER
29.04.2025

1. An appeal under Jammu and Kashmir Land Revenue Act, Svt. 1996 came to be filed by the five appellants, namely, Ishar Kour, Gurmeet Singh, Satbir Singh, Tarvinder Singh and Harvinder Singh, who are the respondents No. 3 to 7 herein, before the Court of Additional Deputy Commissioner with powers of Commissioner, Agrarian Reforms, Ramban on file No. 21/CARR/LAR of 25.08.2004 wherein the four respondents came to be named, namely, Charan Singh, Satinder Singh, Parveen Singh and Naib Tehsildar, Batote.
2. The appeal was aimed against mutation No. 78 dated 21.07.1999 relating to land measuring 17 marlas comprised in

khasra No. 722 and Khewat No. 175 in mouza Batote Tehsil Ramban, which mutation was obtaining in favour of the respondents No. 1 to 3 of the said appeal, namely, Charan Singh, Satinder Singh and Parveen Singh.

3. The appeal so filed came to suffer dismissal for non-prosecution in terms of an order dated 07.09.2005.
4. In response to an application filed on 15.07.2024 for seeking restoration of the above said appeal dismissed way back in the year 2005, the appellate authority-Additional Deputy Commissioner, Ramban, without notifying the respondents in the appeal/non-applicants in the restoration application, with one stroke of pen passed an order dated 18.07.2024 not only restoring the appeal to its original number but issuing status quo order as well and also restraining the appeal respondents from carrying out sale and construction of and at the site property forming subject matter of the appeal.
5. The contesting respondents in the appeal/non-applicants in the restoration application were, thus, condemned unheard in the passing of the order dated 18.07.2024 by the Additional Deputy Commission, Ramban, which has left the present petitioner, who figured as respondent No. 1 in the appeal, aggrieved to come up with the present writ petition against the manner of exercise of jurisdiction by the Additional Deputy Commissioner, Ramban.

6. Prima facie case is made out.
7. Issue notice to the respondents No. 3 to 7.
8. Notice on behalf of the respondents No. 1 and 2 waived by Ms. Nazia Fazal, Advocate on behalf of Mrs. Monika Kohli, learned Sr. AAG.
9. Petitioner to furnish registered postal covers for the service of the respondents No. 3 to 7 whereupon the Registrar Judicial, Jammu to issue notice to the respondents No. 3 to 7.
10. Send for the record of appeal titled **“Ishar Kour and ors Vs. Charan Singh & ors”** from the Court of Additional Deputy Commissioner, Ramban and also of the restoration application from the same very court.
11. List again on 07.07.2025.
12. In the meantime, operation of the order dated 18.07.2024 read with subsequent orders passed in the appeal and application for restoration by the Additional Deputy Commissioner, Ramban shall remain stayed. This order is, however, subject to objections from the other side.

(RAHUL BHARTI)
JUDGE

JAMMU
29.04.2025
Naresh/Secy.