



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

WP(C) No. 1624/2024

Zakir Hussain Shah

.... Petitioner(s)

Through :- Mr. Akeel Wani, Advocate.

V/s

UT of J&K and Ors.

....Respondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
18.07.2024

1. The case set out by the petitioner is that he came to be appointed as Lumbardar of Village Upper Gohlad by Tehsildar, Mendhar, District Poonch on 04.05.2023, which appointment came to be confirmed by the Deputy Commissioner, Poonch on 12.05.2023. His confirmation as Lumbardar came to be withdrawn by Deputy Commissioner, Poonch by virtue of order dated 19.10.2023 on the ground that he had occupied State land in the village. The aforesaid order of Deputy Commissioner, Poonch dated 19.10.2023 came to be assailed by him by way of writ petition titled "*Zakir Hussain Shah v. UT of J&K and Ors.*" in WP(C) No. 2810/2023 and this Court vide order dated 08.11.2023 quashed the said order. However, Deputy Commissioner, Poonch was left free to pass fresh order, if required, after providing an opportunity of being heard to the petitioner. Consequent upon the aforesaid order dated 08.11.2023, passed by this Court, respondent No. 2, vide impugned order dated 27.06.2024 has withdrawn confirmation of the petitioner as Lumberdar.



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2. A perusal of the impugned order reveals that petitioner was called to attend the office of Tehsildar, Mendhar along with relevant records pertaining to the case and when petitioner was confronted with the revenue record, he failed to furnish any satisfactory reply regarding the entries made by his father on the State land and the agreement to sell pertaining to the said land. Tehsildar Mendhar was directed by the Deputy Commissioner, Poonch to submit a detailed report regarding the illegal entries and selling of State land by the father of the petitioner from Khasra No. 827min of Village Gohlad, Tehsil Mendhar. The detailed report was submitted by the Tehsildar, which is stated to have corroborated the report submitted by Deputy Commissioner, Poonch on 12.05.2023. On the basis of aforesaid reports submitted by the concerned authorities, respondent No.2-Deputy Commissioner, Poonch vide impugned order has come to conclusion that father of the petitioner has illegally sold State land and managed to make illegal entries in the revenue record which constitutes a criminal act. There is nothing in the impugned order to indicate that the said entries have been made at the instance of the petitioner or the said land has been sold by the petitioner.

2. The petitioner is aggrieved of impugned order primarily on the ground that there is no allegation against him that he, at any point of time, was in possession of the State land or has sold the State land to anyone.

3. *Prima facie*, case for indulgence is made out.

4. Notice.

5. Notice waived by Ms. Monika Kohli, learned Sr. AAG on behalf of the respondents No. 1 to 4. She seeks and is granted four weeks' time to file objections.



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6. Meanwhile, impugned order shall stay and respondents shall file a detailed affidavit indicating as to what action has been initiated against the person/persons who is/are alleged to have managed illegal entries in the revenue record and sold the State land, which according to the respondents constitutes a criminal act.

(Rajesh Sekhri)
Judge

Jammu:
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