

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

Case:- MA No.56/2025

Harjeet Rai & Ors.

..... Appellants

Through: Mr. Abhishek Wazir, Advocate

Vs

Rattan Singh

....Respondent

Through:

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
(24.09.2025)

1. Heard learned counsel for the appellants. I have also gone through the impugned judgment passed by the learned Principal District Judge, Ramban (hereinafter the 1st Appellate Court) and the material on record. From a perusal of the same, the following question of law arises for determination by this Court:

- (i) Whether, in a case where the suit land has been admittedly encroached upon and pillars have been raised thereon by the defendant, a simple suit for a mandatory injunction asking the defendant to remove the encroachment without seeking possession of the encroached portion of suit land is maintainable?

2. The appeal is admitted to hearing.

3. Issue notice to the respondent subject to the appellants taking necessary steps within a week's time. In the meanwhile, the proceedings in the suit before the trial court shall remain stayed.
4. List on **08.12.2025**.

(SANJAY DHAR)
JUDGE

JAMMU
24.09.2025
Sneha

