

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

Case: WP(C) No.2686/2025

Gopal Sharma

..... Petitioner(s)

Through :- Mr. F. S. Butt, Advocate

Vs

Union Territory of J&K and others

.....Respondent(s)

Through :- Ms. Priyanka Bhatt, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

26.09.2025

1. The instant petition has been preferred under Article 226 of the Constitution of India by the petitioner whereby the petitioner seek following reliefs:-

Writ of Mandamus directing the respondents to perform their statutory duties by conducting the demarcation of petitioner's land falling under Khewat No.75(Old) & 81 (New), Khata No.225 to 245 and Khasra No.400 measuring 04 Kanals 12 Marlas, Khasra No.518 measuring 02 Kanals, Khasra No.570 measuring 08 Kanals 14 Marlas, Khasra No.578 measuring 03 Kanals 05 Marlas, Khasra No.590 measruing 05 Kanals 02 Marlas situate at village Arli Hasnali, Tehsil Katra District Reasi.

2. Mr. F. S. Butt, learned counsel appearing on behalf the petitioner submits that he is the absolute owner in possession of the landing falling under Khewat No.75(Old) & 81 (New), Khata No.225 to 245 and Khasra No.400 measuring 04 Kanals 12 Marlas, Khasra No.518 measuring 02 Kanals, Khasra No.570 measuring 08 Kanals 14 Marlas, Khasra No.578 measuring 03 Kanals

05 Marlas, Khasra No.590 measuring 05 Kanals 02 Marlas situate at village Arli Hasnali, Tehsil Katra District Reasi. He further submits that though the petitioner is in ownership and continuous possession of the aforesaid land in his share but his possession which was being interfered by one Deepak Sharma in whose favour of 04 Kanals 18 Marlas of land has been mutated in Khasra No.440 vide the aforesaid mutation dated 10.05.2012.

3. It is further submitted that the said Deepak Sharma has been claiming that the petitioner is interfering in his land whereas the fact of the matter is that the petitioner is holding his own land which came in his share under the mutation dated 10.05.2012 being the exclusive owner and he continuous to enjoy the possession of the said land as on date.

4. With a view to dispel such apprehension projected by Deepak Sharma, the petitioner, with a view to decide the controversy in question, has approached before the Tehsildar, Katra with an application dated 03.03.2024 seeking demarcation of the aforesaid land but nothing tangible was done in spite of the fact that the petitioner has been repeatedly approaching before the concerned Tehsildar for the redressal of his grievance. It is not so even the petitioner has applied for the measurement/demarcation of the aforesaid land through online mode as well vide application No.21742910202421537655 which is evident from the acknowledgement receipt dated 29.10.2024.

5. Mr. F. S. Butt, learned counsel appearing on behalf of the petitioner submits that despite applying through online mode nothing has been done to conduct any measurement/demarcation of the land in question which constrained the petitioner to approach the concerned Tehsildar, Katra vide

application dated 27.12.2024 in the form of a detail representation. That despite of the fact that the application/representation dated 27.12.2024 has been preferred before the concerned Tehsildar, no such action has been taken and feeling aggrieved of in action and part of the concerned Tehsildar, the petitioner was compelled to approach the Additional Deputy Commissioner, Reasi and the Deputy Commissioner, Reasi as well vide communication dated 21.02.2025 followed by communication dated 06.05.2025.

6. Lastly, he submits that the respondents are duty bound to conduct the demarcation of the petitioner's land in conformity with the provisions of the Jammu & Kashmir Land Revenue Act as well as The Jammu & Kashmir Public Service Gurantee Act, 2011 and thus a duty was cost upon the respondents to have perform their statutory duty which they have failed and feeling aggrieved of the same the instant writ petition has been preferred.

7. After arguing for a while, learned counsel appearing on behalf of the petitioner prays that the petitioner would be satisfied if the instant petition would be disposed of at this stage, without issuing any formal notice to the respondents by directing the respondents to treat this Writ Petition as representation and accord consideration of the same within reasonable period of time.

8. Learned counsel appearing on behalf of the respondents submits that they have no objection to the prayer made by learned counsel for the petitioners.

9. In light of the submissions made hereinabove and with the consent of learned counsel for the parties, **prayer made is allowed** and accordingly, the

respondents are directed to treat the instant petition filed by the petitioner as representation and accord consideration to the claims of the petitioner, strictly under rules and as per the provisions of law, within a period of six weeks from the date, copy of this order is served upon the respondent Nos.2 to 5 along with copy of this writ petition and annexure(s) as well, by the petitioner.

10. This direction has been issued in the aforesaid backdrop that the petitioner has been moving various representations from time to time which till date have not been accorded due consideration and a statutory duty which was cast upon by the respondents has been flouted with impunity.

11. The instant petition is, accordingly, disposed of along with all connected application(s) in the manner indicated above.

12. It is further made clear that while treating the instant petition as a representation while taking a decision in this regard, the petitioner shall be allowed to submit any relevant material which may be necessary to facilitate the demarcation. Additionally, during the demarcation process, all interested persons and stakeholders, including the petitioner, shall be duly notified well in advance.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
26.09.2025
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