

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

Case:- CM No. 2787/2025 in  
OWP No. 1324/2016

Santosh Majotra and others .....Appellant(s)/Petitioner(s)

Through: Mr. Vikram Sharma, Sr. Advocate with  
Mr. Sachin Dev Singh, Advocate.

**Vs**

State of J&K and others ..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG  
Mr. Suneel Malhotra, Advocate.

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

**ORDER**  
**(26.05.2025)**

**CM No. 2787/2025**

**1.** Balak Ram, the predecessor-in-interest of the petitioner herein was the real brother of the respondents No. 6 to 8. All four being sons of Bua Ditta. The land estate inherited by them from their father seems to be comprised in different khasra numbers one of which being khasra No. 33 of village Chakk Alwal, tehsil R. S. Pura comprised of 2 kanal 18 marla.

**2.** With respect to other khasra numbers comprised in khewat related to their father Bua Ditta, this Court is not in possession of fact as to how come the succession had opened amongst Bua Ditta's legal heirs and vide which mutation the estate came to be settled amongst his legal heirs.

**3.** Although, it is reported that in the 1995-96 constituted Record of Rights of village Chak Alwal, tehsil R. S. Pura, district Jammu, all the khasra numbers have been shown with hissedari kasht meaning thereby un-partitioned, khasra number 33 was also

shown to be in hissedari kasht of Krishan Lal, , Rattan Lal, Balak Ram & Salik Ram in equal shares.

**4.** Balak Ram is said to have registered his exclusive claim with respect to cultivation of khasra No. 33 to the exclusion of his three brothers which resulted in attestation of mutation No. 29 dated 25.04.2004 which brought Balak But allegedly in exclusive possession of land comprised in khasra No. 33 measuring 2 kanals and 18 marlas.

**5.** So long as Balak Ram was alive till 11.10.2009, the respondents No. 6 to 8 seems to have not agitated the fact of attestation of mutation No. 29 to their exclusion in favour of Balak Ram purportedly on the plea they were unaware of the attestation of said mutation at their back.

**6.** Nevertheless, the respondents No. 6 to 8 initiated proceedings with respect to khasra No. 33 before the Assistant Settlement Officer, Jammu thereby seeking partition of said khasra No. 33 in terms of land measuring 2.18 kanals.

**7.** The revenue authority of the Assistant Settlement Officer, Jammu by virtue of an order dated 03.01.2012 came to decline the said plea of the respondents No. 6 to 8 for partition on the plea that in the face of the mutation No. 29 attested in favour of Balak Ram only, the respondents No. 6 to 8 cannot be entertained in terms of their claim for partition and, thus, dismissed the application for partition.

**8.** The fact that from April, 2004 till the death of Balak Ram, the revenue record related to khasra No. 33 reflected Balak Ram to be exclusive possession of land measuring 2 kanals and 18 marlas in khasra No. 33 has to be the base line fact in the backdrop of which, the proceedings for partition was set into effect by the respondents No. 6 to 8.

**9.** The respondents No. 6 & 7 went in appeal against order dated 03.01.2012 before the court of Settlement Officer, Jammu by instituting an appeal on 28.01.2012 which resulted in success to the respondents No. 6 & 7 as appellants by virtue of an order dated 08.02.2013 the appellate authority in terms of its order dated 08.02.2013 did not set aside mutation No. 29 of 2004 but nevertheless directed the partition of the land comprised in khasra No. 33 acting on a premise that the land is co-possessed by the respondents No. 6 to 8 along with legal heirs of Balak Ram in an un-partitioned status, whereas mutation No. 29 was contrary to the effect and recognized Balak Ram to be in exclusive possession of khasra No. 33.

**10.** The petitioners being aggrieved of the order dated 03.01.2012 of the Assistant Settlement Officer, Jammu directing partition of khasra No. 33, notwithstanding the attestation of mutation No. 29, preferred the revision before the Divisional Commissioner, Jammu which came to result in failure of the cause pleaded by the petitioners out of which the institution of the present writ petition came to take place before this Court on 05.09.2016.

**11.** Vide an order dated 07.09.2016, this Court directed status quo as on today to be maintained. This direction has remained on the docket of this Court.

**12.** The petitioners are now coming forward an application CM No. 2787/2025 seeking implementation of status quo direction as obtaining in terms of an order dated 07.09.2016 through concerned Tehsildar R. S. Pura, Jammu.

**13.** Mr. Suneel Malhotra, learned counsel appearing for the respondents No. 6 to 8 accepts in responding to this application.

**14.** Let the reply to the application be filed within a period of one week.

**15.** In the meantime, the Tehsildar R. S. Pura, district Jammu is directed to ensure that the status-quo with respect to land comprised in khasra No. 33 measuring 2.18 kanals in village Chak Alwal is maintained without any breach or violation at the end of the parties to the matter i.e. petitioners as well as the respondents No. 6 to 8.

**16.** List this application on 11.07.2025 along with the main matter.

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

**JAMMU**  
**26.05.2025**

*Shivalee*