

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

OWP No. 956/2015
IA No. 1/2015

Joginder Singh

.....Petitioner(s)

Through: Mr. Mohd. Israr, Advocate vice
Mr. F. S. Butt, Advocate

Vs

Commissioner/Secretary, Revenue and
others

..... Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG.
Mr. Harshvardhan Gupta, Advocate for R-8.

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

ORDER
08.09.2023

सत्यमेव जयते

Through this writ petition, the petitioner is seeking a writ of mandamus bearing a command unto the respondents, who are ten in number, to acquire the land of the petitioner falling in khasra no. 2330, 2334, 2347, 2348 & 4277 at village Bhalwal, tehsil Bhalwal, district Jammu. For the reasons best known to the petitioner, he has not spelled out in the relief portion of the writ petition as to how much of land under the aforesaid khasra numbers is in alleged use and occupation of which of the respondents for whom a writ of mandamus is desired to be issued.

In the writ petition, the petitioner has averred in para 8 that 476 kanals of land in khasra no. 4277 is in unauthorized occupation of IRP 7th Battalion, 250 kanals of land is in unauthorized occupation of Forest Department & 82.15 kanals of land in khasra nos. 2347, 2348, 2330 & 2334 is in possession of Municipality.

In the writ petition, it has not been averred as to from which date the petitioner came to suffer loss of this much extent of land in the hands of which of the respondents and in what manner. Thus, the purpose of the writ petition seems to be other than what meets the eye and the state of facts seems to be disputed nature.

In the light of this, whether the present writ petition against the respondents is an appropriate remedy for the petitioner is a query which this Court seeks to have response from the learned counsel for the petitioner – Mr. F. S. Butt, who is stated to out of Jammu.

Case is adjourned.

List this case on 18.09.2023.

(Rahul Bharti)
Judge

Jammu
08.09.2023
Muneesh