

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

CPOWP No. 171/2015

CM No. 185/2023

CM No. 4543/2021

CM No. 4542/2021

Janak Raj

.....Appellant(s)/Petitioner(s)

Through: Mrs. Surinder Kour, Sr. Advocate with
Ms. Manpreet Kour, Advocate.

Vs

M. Raju, Commissioner Cum-Secretary to
Govt. and Ors.

..... Respondent(s)

Through: Mr. R. S. Jamwal, AAG.

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

ORDER

10.03.2023

This Court in terms of its order dated 21.05.2015 in the writ petition OWP no. 682/2015 filed by three petitioners, who are petitioners in the present contempt petition, came to direct no interference with possession and enjoyment of the land of the petitioners comprising khasra no. 45 (9.9 kanals) and khasra no. 40 (8.9 kanlas) in village Nandpur Rakwala tehsil Mandal district Jammu. This prohibition was addressed against the writ respondents i.e. Irrigational Flood Control Department and its officials.

The cause of action for the petitioners to come forward with this contempt petition filed in 2015 is that their entire land in said two khasra nos. have been usurped by the Department of Irrigational Flood Control Department for the purpose of creating embankment/band of the river Tawi.

The response of the respondents to this contempt petition is very evasive.

In view of this, this Court is directing the Tehsildar Mandal to file a factual status report as to physical status of land comprising khasra no. 45 (9.9 kanals) and khasra no. 40 (8.9 kanals) of the petitioners in the context of presence of any embankment/band thereupon and the area involved thereunder.

Needful be done by Tehsildar Mandal within a period of four weeks by submission of a compliance report.

Copy of this order be forwarded to Tehsildar Mandal and also to Mr. R. S. Jamwal, learned AAG for notice and compliance.

List again on 12.04.2023.

(Rahul Bharti)
Judge

Jammu
10.03.2023
Bunty

