

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 3059/2024

Mohd. Ramzan & ors. Petitioner/Appellant(s)

Through:- Mr. Rupinder Singh, Advocate

V/s

Union Territory of J&K & ors.Respondent(s)

Through:- Mr. Anuj Dewan Raina, Advocate for
R6,7&8

CORAM : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

27.12.2024

01. The instant petition preferred by the petitioners seeking direction to respondent Nos. 1 to 5 to confer the benefits of Government Order No.LB-6/C of 1958 dated 05.06.1958 and Government Order No. S-432 of 1966 dated 03.06.1966 and proprietary rights on the petitioners with regard to the land in physical and cultivating possession of the petitioners in Khasra Nos. 126, 127, 128, 129, 130, 131 & 132 measuring 88 Kanals 15 Marlas situated at village Dhanour Goursian, Tehsil & District Rajouri. Further a writ of certiorari seeking quashing of impugned communication dated 27.11.2024 and 11.12.2024 for re-demarcation of Baba Ghulam Shah Badshah University (hereinafter to be referred to as "BGSBS") land at confusing stretches.

02. Learned counsel for the petitioners submits that vide Order No. Rev(Aug) 149 of 2004 dated 19.07.2004, sanction was accorded to the transfer of additional Shamlat/State land measuring 715 Kanals 05

Marlas in favour of BGSBS University Rajouri for a period of forty years. This included the land of petitioners also.

03. The petitioners earlier filed a writ petition i.e., OWP No. 521/2006 which was disposed of vide order dated 25.03.2022 whereby this Court directed that in case the writ petitioners have not already been dispossessed, and if they are to be dispossessed, the same shall be done in accordance with law.

04. The petitioners are aggrieved of the transfer of land pursuant to the order dated 19.07.2004 and are also aggrieved of the communication issued by the Assistant Commissioner (Revenue) Rajouri dated 27.11.2024 and 11.12.2024 directing the Tehsildar Rajouri to conduct re-demarcation of the land of BGSBS University at confusing stretches and complete the process of re-demarcation of the aforesaid land without any further delay.

05. The petitioners submit is that the land has been transferred to the BGSBS vide Government Order dated 19.07.2004 without their knowledge but they still claim to be in possession of the same. In the writ petition earlier filed by the petitioners i.e., OWP No. 521/2006, seeking quashing of Government Order to the extent that the land which is in cultivating and physical possession of the petitioners shall not be dispossessed. The said writ petition was disposed of with a direction that in case the writ petitioners have not already been dispossessed, and if they are to be dispossessed, the same shall be done in accordance with law.

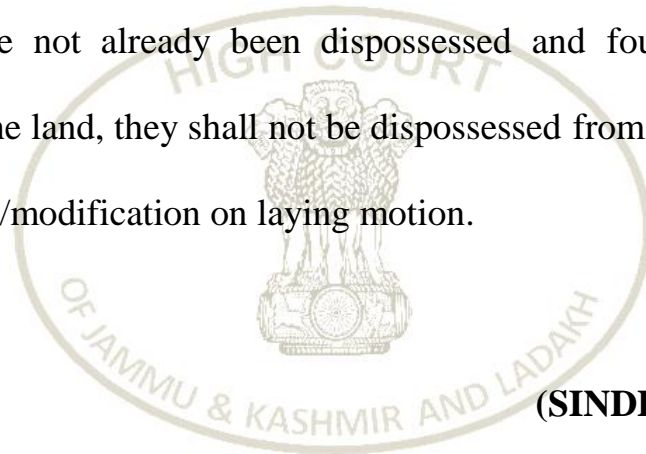
06. Notice to the respondents.

07. Mr. Anuj Dewan Raina, learned counsel accepts notice on behalf of respondent Nos. 6, 7 & 8. He seeks and is granted four weeks' time to file objections.

08. Notice to other respondents, returnable within four weeks. Requisite steps for service within one week.

09. List on 28.02.2025.

10. Meanwhile, subject to objections and till next date before the Bench, process of demarcation may proceed in terms of the communication dated 27.11.2024 and report of the same be placed on record by or before the next date. It is made clear that in case the writ petitioners have not already been dispossessed and found to be in possession of the land, they shall not be dispossessed from the aforesaid land. Alteration/modification on laying motion.



(SINDHU SHARMA)
Judge

JAMMU
RAM MURTI/PS
27.12.2024