
(2021) 09 J&K CK 0031

In the Jammu And Kashmir High Court

Case No : Latters Patent Appeal No. 114 Of 2021

Abdul Samad Lone

APPELLANT

Vs

UT Of J&K And Others

RESPONDENT

Date of Decision : 20-09-2021

Acts Referred:

Land Revenue Act, 1996 — Section 105

Citation : (2021) 09 J&K CK 0031

Hon'ble Judges : Pankaj Mithal,CJ;Vinod Chatterji Koul, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard Sh. Sajid Irfan, learned counsel for the petitioner/ appellant.
2. The petitioner/ appellant filed a writ petition seeking writ in the nature of mandamus to restore the original share to which he is entitled to under law and to direct the respondents to go ahead to evict the encroachers and restore the excessive share in their illegal possession to the petitioner.
3. The writ petition has been dismissed by learned Single Judge vide order dated 12.08.2021 on the ground that in view of the prayers made in the writ petition, no relief can be granted by the writ court and the petitioner is at liberty to avail the appropriate remedy as may be provided under law.
4. Learned counsel for the petitioner/ appellant submits that previously he had filed OWP No.1452/2016 and the same was disposed of vide order dated 02.12.2016 and in view of the said order, the revenue authorities whom the petitioner/ appellant has approached for restoration of the possession have declined to act in the matter.
5. A perusal of the order dated 02.12.2016 reveals that the court on the prayer of the petitioner/ appellant had directed for demarcation of his land and has further directed that in the course of demarcation, the possession of the parties

shall not be disturbed.

6. In view of the above order, the possession was not to be disturbed during the course of the demarcation only.

7. Accordingly, agreeing with the order of the learned Single Judge, we do not feel inclined to interfere in this appeal and the same is dismissed with the direction to the revenue authorities to consider the application of the petitioner/appellant for restoration of possession in accordance with Section 105 of the Land Revenue Act notwithstanding the order dated 02.12.2016 passed by this court in OWP No.1452/2016.