
(2020) 07 J&K CK 0084

In the Jammu And Kashmir High Court

Case No : Other Writ Petition No. 1473 Of 2017, IA No. 01 Of 2017

Amam Ali And Others

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 07-07-2020

Acts Referred:

Citation : (2020) 07 J&K CK 0084

Hon'ble Judges : Vinod Chatterji Koul, J

Bench : Single Bench

Advocate : S. S. Nanda

Final Decision : Dismissed

Judgement

Vinod Chatterji Koul, J

In the present petition, petitioners seek quashment of impugned notice dated 03.04.2017 and all consequential notices/eviction proceedings. Petitioners also seek writ of mandamus commanding the respondents to declare the petitioners as owners and/or alternatively consider the case of the petitioners for conferment of proprietary rights in light of the Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants) Act, 2001 over 40 kanals of State Land situated at village, Hottar, Tehsil, Billawar, District Kathua. They also seek to restrain the respondents from demolishing their shed/houses.

Objections on behalf of respondent No. 5-Tehsildar Billawar stand filed. The stand taken by respondent No. 5 in paragraph No. 3 is that the land in question is in illegal occupation of the petitioners as per revenue record and their case under the Act is under process. It is also submitted that the case of the petitioners is not maintainable as the petitioners have not availed other remedy available to them under the Land Revenue Act.

Mr. S. S. Nanda, learned Senior AAG appearing for the respondents submits that this writ petition is not maintainable as the plea of the petitioner in terms of

provision of the Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants) Act, 2001 (for short the Act) is not available to them as the Act has been repealed vide Governor's Act No. XXXII of 2018 dated 07.12.2018.

Today there is no representation on behalf of the petitioners. It appears that the petitioners are not interested to pursue this writ petition.

This writ petition is dismissed in default of appearance and for non prosecution.