
(2021) 10 J&K CK 0038

In the Jammu And Kashmir High Court

Case No : Others Writ Petition (OWP) No. 428 Of 2010, IA No. 586 Of 2010

Prem Singh Andotra

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 05-10-2021

Acts Referred:

Citation : (2021) 10 J&K CK 0038

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : Virender Bhat, S.S. Nanda, Nadia Qadir

Final Decision : Dismissed

Judgement

Sanjeev Kumar, J

1. In this petition, the petitioner has inter alia prayed for writ of certiorari to quash the order of Tehsildar Agrarian Reforms, Kathua dated 02.12.2002 whereby learned Tehsildar has directed the eviction of the petitioner from the State Land. Petitioner has also prayed for a direction to the respondents to consider regularization of his possession on the state land under J&K State Lands (Vesting of Ownership to the Occupants) Act, 2001

2. Learned counsel for the petitioner fairly submits that so far as second prayer is concerned that is no longer available to the petitioner in view of the judgment of the Division Bench of this Court, holding the Act of 2001 as ultra virus the Constitution. He further submits that Tehsildar Agrarian Reforms can only exercise powers vested under J&K Agrarian Reforms Act, 1976 and has no power or jurisdiction to evict unauthorized occupants of state lands.

3. Heard learned counsel for the parties and perused the material on record.

4. So far as the argument of learned counsel for the petitioner with regard to the jurisdiction of the Tehsildar Agrarian Reforms to evict unauthorized occupants from the state land is concerned, same may not be tenable in view of the fact

that Tehsildar Agrarian Reforms has exercised the powers of Assistant Collector Ist Class as is evident from the impugned order dated 02.12.2002. If that be the situation, even the first relief prayed by the petitioner cannot be granted.

5. For the foregoing reasons, I find no merit in the petition, the same is accordingly, dismissed.