
(2002) 07 J&K CK 0012

In the Jammu And Kashmir High Court

Case No : Others Writ Petition (OWP) No. 1009 of 2001

Pritam Singh

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 20-07-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Constitution of Jammu and Kashmir, 1956 — Section 103

Citation : (2010) 4 JKJ 195

Hon'ble Judges : B. L. Bhat, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.L. Bhat, Judge

1. Through the medium of this petition under Art. 226 of the Constitution of India, read with Sec. 103 of the Constitution of J&K, the petitioner

has sought the indulgence of this court for issuance of appropriate writ, order or direction in the matter, maintaining, inter-alia that the petitioner has

purchased land measuring 4 Kanals out of old Khasra No. 101, new Khasra No. 20-min Khata No. 68 min, Khewat No.1 min and also land

measuring 18 marlas out of old Khasra No. 83/101, new Khasra no.21 min, khata No.67 min khewat No.1 min situated at village Kaluchak,

Tehsil Jammu by virtue of two duly registered sale/deeds by the learned Sub-Registrar (Municipal Magistrate) Jammu dated 05.10.2001; that after

the purchase of land the petitioner started raising boundary walls upon whole of the land; that when that construction was going on in full swing

Col. I.K. Raman of Station HQS. Kaluchak visited the site; that thereafter one Sh. J.K. Singh an officer of 196 field Regiment also visited the spot

and verbally asked the petitioner not to raise any construction on the spot; that subsequently the petitioner stopped the construction but on

16.11.2001 some army personnel trespassed into the land and demolished whole of the boundary wall, thereby causing extensive damage to the petitioner.

2. The respondents have filed their objections wherein they have submitted that the area upon which the petitioner lays his claim is an army area and the petitioner was forcibly trying to raise construction thereupon.

3. Perusal of the pleadings of the parties reveal that in this writ petition disputed facts are raised. Unless, the parties are examined with reference to the evidence by an appropriate forum, a proper decision cannot be taken and such a course is impossible by the writ Court. Therefore, the petition is not sustainable. It is dismissed at the admission stage. The interim direction dated 22.11.2001 is vacated.