

(2019) 10 J&K CK 0020

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 3745 Of 2019, CM No. 7780 Of 2019

Sain Khan And Anr

APPELLANT

Vs

State Of Jammu & Kashmir And Ors

RESPONDENT

Date of Decision : 10-10-2019

Acts Referred:

Jammu And Kashmir Land Revenue Act, 1996 — Section 94

Citation : (2019) 10 J&K CK 0020

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : Abrar Ahmed

Judgement

Sanjeev Kumar, J

1. The petitioners claim that they are owner in possession of the land measuring 108 Kanal 13 Marlas, falling under Khasra Nos. 1224, 1287, 1288, 1289, 1250, 1250/2, situated at Revenue village, Kandi Tehsil Koteranka, District Rajouri. The petitioners approached the Deputy Commissioner, Rajouri for demarcation of their land and the Deputy Commissioner, Rajouri forwarded the application of the petitioners to the Additional Deputy Commissioner, Koteranka, who in-turn has sent it to the Tehsildar Kotranka for immediate necessary action. The case was received by the office of the Tehsildar Kotranka on 16.09.2019, but no further action in the matter has been taken. The petitioners apprehended that the revenue authorities, particularly respondent No. 7, may not demarcate the land of the petitioners. Learned counsel for the petitioners, therefore, submits that the petitioners are entitled to issuance of a direction to the respondents to perform their statutory duties and demarcate their land under Section 94 of the Land Revenue Act.

2. Having heard learned counsel for the parties and perused the record, I am of the view that this writ petition can be disposed of at this stage by directing the Deputy Commissioner, Rajouri to ensure that the application of the petitioner

filed for demarcation of land in terms of Section 94 of the Land Revenue Act is disposed of either by him or by some other competent Revenue Officer subordinate to him.

3. Ordered, accordingly.

4. Let the process of demarcation of the land be completed within a period of four weeks from the date a certified copy of this order is made available to the respondent No. 4. It is made clear that in case any land in excess of the land legitimately owned by the petitioners is found during the process of demarcation, the same shall be retrieved by the respondents.