
(2020) 08 J&K CK 0093

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 1038 Of 2020, Civil Miscellaneous No. 2446 Of 2020

Showket Ahmad Sheikh

APPELLANT

Vs

Union Territory Of J&K And Others

RESPONDENT

Date of Decision : 06-08-2020

Acts Referred:

Citation : (2020) 08 J&K CK 0093

Hon'ble Judges : Tashi Rabstan, J

Bench : Single Bench

Advocate : Gulzar Ahmad Bhat

Final Decision : Disposed Off

Judgement

Tashi Rabstan, J

1. The precise case of the petitioner is that he purchased a piece of land measuring 19 marlas under survey No.302 (06 marlas) Khewat No. 63 and Khata No. 320, Survey No.304 (06 marlas) Khewat No.67 and Survey No.308 (07 marlas) Khewat No.67, Khata No.332, situated in Mouza Dalwash, Khurd Tehsil Khag. The said piece of land was duly registered by Sub-Registrar, Magam and thereafter the mutation was attested in favour of the petitioner by the revenue department.

2. On having the site plan approved by the Revenue department after proper verification of the records on 16.12.2019, the petitioner started construction of his house on the said land but the private respondents are interfering into the construction. The petitioner approached the Tehsildar concerned by filing a representation with a request to verify and obtain report from the Patwari with regard to land in question. The Patwari submitted his detail report. Even the petitioner has also filed a representation dated 03.06.2020 before respondent No.2-Divisional Commissioner, Srinagar with a request to issue appropriate orders in favour of the petitioner so that he can raise construction of his house.

According to petitioner, the said representation is still pending before respondent No.2. Thus, petitioner has knocked the portals of this Court by filing present petition.

3. Notice to the other side was issued on 15.07.2020 and on the next date of hearing i.e., 22.07.2020, Mr. N.H Shah, learned counsel appeared for the official respondents and sought time to file objections, however, neither objections have been filed nor has any one caused appearance on behalf of the respondents today.

4. At this stage, learned counsel for the petitioner submits that the petitioner would feel satisfied in case this petition is, disposed of, with a direction to the respondents, particularly, respondent Nos.2 and 4 to decide representation dated 03.06.2020, contended to have already been filed by the petitioner, within certain time frame. His statement is taken on record.

5. Accordingly, this petition is, disposed of, by directing respondent Nos. 2 and 4 to consider and decide representation dated 03.06.2020 filed by the petitioner having regard to the report of the Patwari dated 02.07.2020 (Annexure-IV appended with this petition), of course under rules by providing opportunity of hearing to all the parties. Let the respondents consider and decide within a period of one month from the date copy of this order is made available to them by the petitioner and the decision to be taken by the respondents shall be conveyed to the petitioner. Petitioner shall also provide a complete set of the writ petition to the respondents so as to facilitate them in taking early decision in the matter.

6. Disposed of as above along with connected application.