

**HIGH COURT OF JAMMU AND KASHMIR**  
AT JAMMU

OWP No.1397/2017, MP No.1/2017

Date of order: 31.08.2017

---

Piyaray Lal Pandita and anr. Vs. State of J&K and others

---

**Coram:**

**Hon'ble Mr. Justice Tashi Rabstan, Judge**

---

**Appearance:**

For the petitioner(s) : Mr M.K Raina, Advocate.

For the respondent(s) : Mr Ehsan Mirza, Dy.AG.

---

**(Oral)**

1. Petitioners contend that they are residents of village Hakura Dooru District Anantnag and have left the Kashmir Valley in the year 1990 due to turmoil and presently putting up in Delhi as migrants. It is averred that petitioners own land measuring 16 Kanals and 17 Marlas, which include agricultural land and orchard, falling under Khasra Nos.1110 and 1114, situated at said village. It is further averred that one Peer Mohd. Yousuf Shah S/o Sikander Shah R/o Hakura Tehsil Dooru, had occupied the aforesaid property of the petitioners without having any authority or permission from them and also managed tenancy in the Girdawari. In this regard, petitioners moved a representation before respondent No.2-District Magistrate, Anantnag on 30.06.2003, to evict encroacher from their land, who vide order dated 07.07.2003 ordered certain directions. For facility of reference, the operative/concluding paragraph of order dated 07.07.2003 passed by respondent No.2 is reproduced hereunder:-

**“Keeping these facts in view it is ordered that the non-applicant who is an unauthorized occupant be evicted and encroachment removed on spot. The Tehsildar Dooru shall go on spot along with S.H.O Anantnag and demarcate the land and handover the possession to the migrant appellants. The Tehsildar will also**

**calculate the benefits enjoyed by the unauthorized occupant during period of his unauthorized occupation and intimate this court within a period of fifteen days so that the recovery of the same is effected as envisaged by section 13 of the migrant immovable property “preservation protection and restraint on distress sales” Act 1997. The file will go to the records after due completion. Order announced.”**

2. At this stage, learned counsel submits that petitioners would feel satisfied in case instant petition is disposed of with a direction to the respondent No.2 to implement order dated 07.07.2003 in its letter and spirit within certain time frame. His statement is taken on record.
3. In view of a very innocuous prayed made by the petitioners’ counsel, this writ petition is, disposed of with a direction to the respondents, particularly respondent No.2 to consider the case of petitioners and implement his order dated 07.07.2003 in its letter and spirit, under rules, at the earliest preferably within a period of two months from the date certified copy of this order along with complete set of writ petition, is made available to him.
4. Disposed as above along with connected MP.

**Jammu**  
31.08.2017  
*Surinder*

**(Tashi Rabstan)**  
**Judge**