

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

OWP No.70/2014

Date of Order:31.01.2018

Mohammad Anwar Ganai

Vs.

State of J&K & ors.

Coram:

Hon'ble Mr Justice Sanjeev Kumar, Judge.

Appearance:

For the Petitioner(s): Mr. Bhat Fayaz, Adv.

For the Respondent(s): Mr. M. A. Wani, Sr.AAG.

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

(ORAL)

1) With the consensus of learned counsel for the parties, this petition is taken up for final disposal at its admission stage.

2) Short case projected by the petitioner in this petition is that he is in occupation of land measuring 22 kanals 7 marlas falling under Khasra No.132 and 133 situated at Garoora Bandipora in which, petitioner claims, has planted various trees. It is contended by the petitioner that the Forest Department without any rhyme or reasons are forcibly dispossessing him by planting the saplings through the department in the aforesaid patch of land. The grievance of the petitioner is that he being in settled possession cannot be deprived thereof without following the due process of law.

3) Considered the submissions and perused the record. From perusal of record, it is evident that the land in question is a State land but is in settled possession of the petitioner as is borne out by the revenue record i.e. Jamabandi of the year 1959-60.

4) Though the petitioner has no right to occupy the State land, that too when the same has not been allotted to him by any formal order by any competent authority, yet in view of his settled possession, the respondents cannot be allowed to take law into their hands and dispossess him without following the provisions of law. In that view of the matter, this petition deserves to be allowed. The respondents are directed not to dispossess the petitioner from the aforesaid land otherwise than in due course of law provided the petitioner is still in possession thereof.

(Sanjeev Kumar)
Judge

Srinagar
31.01.2018
"Bhat Altaf, PS"