

**IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

**WP(C) No.3458/2019
CM No.6966/2019**

Ghulam Nabi Teeli & Ors. ...Petitioner(s)/Appellants

Through: Mr. R. A. Bhat, Advocate.

V/s

Government of J&K & Ors. ...Respondents

Through:

CORAM: Hon'ble Mr Justice Sanjeev Kumar, Judge.

**ORDER(ORAL)
29.11.2019**

1) The short grievance projected by the petitioners in this petition is that the respondents 4 to 7 have planted poplar trees on the boundary line of their land abutting the land where the petitioners have their residential houses. It is stated that the said trees are a source of nuisance and a potential threat to their health. The petitioners claim that they have already approached in this regard to Tehsildar, Pulwama, to take appropriate action in the matter.

2) It is stated that Tehsildar, Pulwama-respondent No.3 herein, took cognizance of the grievance of the petitioners and sought report from the Patwari concerned. The Patwari concerned has also reported that the said trees are existing on the land of respondents 4 to 7 and, therefore, are required to be cut and removed. It is, however, the grievance of the petitioners that Tehsildar, Pulwama, has declined to pass appropriate orders for cutting and removing the trees on the ground that there is some litigation pending *inter se* private respondents where there is an order of Civil Court.

3) Having heard learned counsel for the petitioners and perused the record, I am of the view that Tehsildar, Pulwama, who is seized of the application of the petitioners, has to take the proceedings to logical end. Reportedly he has received the requisite reports from the field staff and is required to passed orders, as may be warranted in law. The order of status quo, if any, with regard

to subject land in a suit *inter se* private respondents cannot come in the way of the respondent No.3 in performance of his statutory duties unless the interim order pertains to the cutting and removal of poplar trees allegedly existing on the subject land.

4) In view of aforesaid, this petition is **disposed** of by providing that Tehsildar, Pulwama, who is seized of the application of the petitioners, shall proceed in the matter and pass appropriate orders, notwithstanding the fact that there is some order of status quo passed in a civil litigation *inter se* private respondents pertaining to the entitlement of the parties to the land. It is made clear that it is only if there is an order, interim or final, from any court of competent jurisdiction with regard to the cutting and removing of poplar trees, allegedly existing on the land of the private respondents, the respondent No.3 shall not proceed to determine the proceedings which are pending before him in the shape of an application filed by the petitioners aforesaid. Let a decision on the application of the petitioners be taken within a period of four weeks from the date a certified copy of this order is served upon Tehsildar, Pulwama. Needless to provide that private respondents shall also be heard in the matter.

(Sanjeev Kumar)
Judge

Srinagar
29.11.2019
"Bhat Altaf, PS"