

sr. no. 106 Suppl
Dated 30.07.20

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU
(Through V.C)

Case no:
WP (C) 1253/2020
CM 3813/20
CM 3820/20

Nazia Bano

... Petitioner

Through: Aman Bagotra, adv.

Vs.

UT of J&K and ors

... Respondents

Through: Mr. S.S. Nada, AAG

Coram:

Hon'ble Mr. Justice Ali Mohammad Magrey, Judge

ORDER
30.07.2020

In the instant petition, petitioner has prayed for the relief thereby directing the respondents not to evict or interfere with the immovable property in her possession falling under survey no. 746 min measuring 8 kanals situated at village Gole District Jammu until and unless the due procedure under law as directed by this court in OWP no. 248 of 2017 dated 30.05.2017 is followed. The order passed by this court in the aforesaid writ petition, being relevant operative part of which is reproduced as under:

“Needless to state that Tehsildar Jammu West shall decide the matter on its own merits with reference to the rights of the petitioner over the land in question and shall not be influenced by the pendency of the PIL before this Court. Till the matter is adjudicated by Tehsildar concerned, it is directed that the petitioner shall not be dispossessed from the land in question. It is also directed that application under the provisions of J&K Lands (Vesting of ownership Rights to the Occupants) Act, 2001, is pending before the competent authority and the competent authority would be at liberty to decide the application, in case there is no legal impediment”.

Learned counsel for the petitioner submits that the case is still pending with the respondents for decision in terms of the order dated 30.05.2017 passed in writ petition (supra). However, in the meanwhile, the respondents are harassing the petitioner and are in the process of eviction.

Learned counsel for the petitioner submits that the petitioner will feel satisfied if the writ petition is disposed of in terms of the directions dated 13.05.2017 passed in OWP no. 248 of 2017.

Mr. S.S Nanda, AAG who is present by virtual mode submits that petitioner has no claim to retain the possession. However, there shall be no harm in taking decision in tune with the decision already taken by the Court in OWP no. 248 of 2017 dated 13.05.2017.

With the consensus of leaner counsel for the parties the writ petition is disposed of with direction to respondents to adhere to the direction dated 13.05.2017 passed in OWP no. 248 of 2017 and till such decision is taken, the petitioner shall not be evicted.

Disposed of.

(Ali Mohammad Magrey)
Judge