

IN THE COURT OF DIVISIONAL COMMISSIONER, JAMMU

[Rail Head Complex, Jammu]

Present : Dr. Powan Kotwal, IAS

File No.	Date of Institution	Date of Decision
Restoration Appli 2011-12. Ujhan	21-10-2011	03-02-2017

Mohd Azam S/o Abdul Gani R/o Ujhan Tehsil Thanamandi (Now Tehsil Darhal) District Rajouri.

.....Appellant/ Applicant.

Vs.

1. Deputy Commissioner, Rajouri.
2. Tehsildar, Thana Mandi Rajouri
3. Noor Mohd S/o Balla R/o Village Ujhan Tehsil Thana Mandi

....Respondents / Non-applicants.

In the matter of : Appeal against the order dated 05.06.1995 passed by Deputy Commissioner, Rajouri.

And,

In the matter of : Application for restoration of the appeal titled Mohd Azam Vs. Deputy Commissioner, Rajouri as the same had been dismissed in default of non-appearance of the Counsel for appellant (applicant herein).



ORDER

This application has been filed before this court on 21.10.2011 for restoration of the appeal directed against the order dated 05.06.1995 passed by learned Deputy Commissioner, Rajouri, which

was dismissed in default on 07.10.2003 for non-prosecution of the case on behalf of the appellant / applicant herein.

During the pendency of the application for restoration of the appeal titled above, one Shri Abdul Hamid S/o Faiz Mohd R/o Ujhan Tehsil Darhal had also filed an application for becoming intervener in the matter. The said application for intervener is also available on the record file.

The original court file sought to be restored could not be traced from the record of this office.

The appellant / applicant is attending the court regularly from the date of filing of the present application for restoration. However, the intervener did not cause appearance personally or through his counsel after filing of the application for allowing him as intervener in the matter.

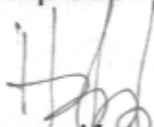
From the available record in the case file, this court is unable to return its finding on merit. However, on 02.02.2017 one Mohd Ziaf S/o Kala Khan R/o Village Ujhan Tehsil Darhal District Rajouri moved an application in the matter and sought indulgence of this Court in the matter as the village is without a Lamberdar and the public of the village is suffering badly for non-availability of a Lamberdar. It has also been observed that the then Lamberdar (respondent No. 3 herein) has also filed an affidavit. It is worth mentioning here that the said person has already shifted from the village and his claim otherwise is not valid. Moreover, after shifting of respondent No. 3 from village Ujhan, one Sh. Nazir Ahmed S/o Abdul Hafiz was

appointed as Lamberdar as per report of Naib Tehsildar, Ujhan who has died on 07.04.2016. Resultantly the village is without a Lamberdar at present.

I have examined the case file and the record available thereon. The arguments of the counsel for the appellant / applicant have also been heard. Therefore, in view of the fact that the village is without a Lamberdar for the last more than 10 months (w.e.f. 07.04.2016) and the public is suffering badly on this account, the present application is disposed of with a direction to the Deputy Commissioner, Rajouri to initiate the process for appointment of a full-time Lamberdar for village Ujhan Tehsil Darhal District Rajouri as per the provisions of the Lambardari Act and the Rules framed thereunder. The applicant / appellant herein along with all other interested persons be given due opportunity to participate in the process while making selection of the Lamberdar. This may be done within a period of one month and after having appointed the Lamberdar of the village, a compliance report be sent to this court.

Stay order granted by this court, if any, shall stand vacated. The present file be consigned to records after due completion.

Announced
Dated: 03.02.2017


Dr. Powan Kotwal, IAS
Divisional Commissioner,
Jammu