



In the Court of Additional Commissioner, Jammu
(With the powers of Divisional Commissioner)
(Rail Head Complex, Jammu)
(0191-2478991, 2478999, Fax-2478997, e-mail: divcomjammu@gmail.com)

File No.
44/Revision
2021-22

Date of Institution
02.09.2021

Date of Decision
03.09.2021

Shahzad Shabnam S/o Abdul Rashid R/ O Chaktrou Teh. & Distt. Poonch.

Versus

Petitioner

1. Deputy Commissioner Poonch
2. Tehsildar Haveli
3. NajbTehsildarChandak
4. HasinaWajid V/O Din
R/O Chaktrou The. And Distt. Poonch

...Respondents

IN THE MATTER OF: Revision against the order dated 10-08-2021 and dated 03.07.2021 passed by respondent No. 2, in the application seeking ejection of alleged illegal encroachment, filed by private respondent, duly endorsed by the Deputy Commissioner Poonch (respondent No. 1) and further prayer for setting aside the above said impugned orders/ notice.

Or

Any other relief to which the petitioner is entitled to may also be granted in favour of the petitioner and against the private respondent.

ORDER

02.09.2021. This case has been presented by the Ld. Counsel for the petitioner before this court after being transferred by the Ld. Divisional Commissioner, Jammu vide order No. 801/Reader/Div Com/478-79 dated 02.09.2021 for disposal under law.

Heard the arguments and perused the record. From perusal of record and considering the arguments put forth by Learned Counsel for the petitioner it has been observed that a Commission was constituted by Tehsildar Haveli (Poonch) vide order dated 03.07.2021 and the commission after spot inspection submitted its report to Tehsildar Haveli and on the basis of the said report Tehsildar Haveli vide order dated 10.08.2021 directed Naib Tehsildar Chandak to take corrective measures /

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steps under law. Ld. Counsel for petitioner informed that the Naib Tehsildar has issued notice to the petitioner on 25.08.2021 to vacate the State land. Ld. Counsel further submitted that no State land has been encroached by the petitioner and prayed that the orders impugned be set-aside. A photocopy of the notice has been produced before the Court for perusal which is placed on record.

In view of the facts and circumstances of the case and also in view of the submissions made by the Learned Counsel that no State land has been encroached by the petitioner a thorough investigation is required. Perusal of record placed on file reveals that no final speaking order has been passed by the Tehsildar concerned and as such the revision is not maintainable at this stage. Learned counsel has also expressed that if the matter is remitted to the Deputy Commissioner, Poonch he has no objection. Therefore, the present revision petition is disposed of in limini and the matter is remitted to court of Deputy Commissioner, Poonch who shall take cognizance of the matter and pass appropriate order which he deems fit strictly in terms of law on the subject. The petitioner is directed to appear before the Deputy Commissioner, Poonch by or before 22.09.2021 and till then the orders impugned including that of notice issued by Naib Tehsildar Chandak shall remain stayed and thereafter Deputy Commissioner, Poonch may pass appropriate orders with respect to the interim order which he deems fit. A copy of the order be sent to Deputy Commissioner, Poonch for information and further necessary action.

Announced:
03.09.2021


(Pawan Kumar Sharma) JKAS
Additional Commissioner-I,
(With the Powers of Divisional Commissioner)
Jammu