



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.
16/Appeal
2020-21

Date of Institution
27.11.2020

Date of Decision
21.01.2021

Subash Chander S/O Sh. Jia Lal R/O Kangri Tehsil Beri Pattan district)

Petitioner

Versus

- 1 Tara Chand S/O Late Mansa Ram
- 2 Ashok Kumar S/O Tara Chand
- 3 Ramesh Kumar S/O Tara Chand
All R/O W No 3, Halqa Panchayat Lower Kangri, Tehsil Beri Pattan, District Rajouri.
- 4 Additional Deputy Commissioner, Sunderbani
- 5 Tehsildar, Beri Pattan, Sunderbani
- 6 Naib Tehsildar, Kangri, Sunderbani

Respondents

IN THE MATTER OF:

Appeal against the order 23.06.2020 passed by Respondent no 4 whereby directed to Respondent no 6 for issuance of the direction to concerned Patwari for identification of land and then if necessary, police assistance may seek for cultivation of land by the Respondent no. 1 to 3 who have no right over the land falling land khasra no.1352,1352 min(8kanal), 1353(22 kanal),1319(7 kanal 9 marla) total land measuring 37 kanal 9 marla situated at village Kangri, Tehsil Beripattan, District Rajouri. Prayer for setting aside the same.

ORDER

The present case has been transferred to this court by the Ld. Divisional Commissioner Jammu for disposal under law.

The brief facts of the case are that the respondent No. 1 herein moved an application dated 23.06.2020 before Additional Deputy Commissioner, Sunderbani for providing Police protection for cultivation of land falling under khasra No. 1352,1353 and 1319 situated at village Kangri Tehsil Beri Pattan District Rajouri which was marked to N.T.Kangri on 23.06.2020 as:-

“ To direct patwari halqa for identification of land and then if necessary police assistance may seek for cultivation of land by the land owner u/r.”

Against this order of Additional Deputy Commissioner, Sunderbani, the present appeal was filed on 27.11.2020.

Notice was issued to the other side. On 21.01.2021 the case came up for hearing. Arguments of the counsels for petitioner and respondents were heard. Learned counsel for the the petitioner repeated the contents of the appeal and pleaded that ADC Sunderbani has passed order without proper hearing and requested for setting aside the said order. Learned counsel for respondents pleaded that the respondents are owners of the said land and petitioner has no claim in the land in question. Both the counsels agreed that they will be satisfied if the ADC is directed to pass order after proper hearing.

The record placed on the case file has also been examined. From the perusal of the record it has been observed that the order passed by the ADC Sunderbani is just communicative in nature and as such the present petition disposed of with a direction to the Additional Deputy Commissioner Sunderbani to enquire the matter and pass appropriate order after hearing both the parties strictly as per the provisions of law on the subject. The stay order issued by this court, if any, shall stand vacated & file be consigned to record after due completion.


Pawan Kumar Sharma, KAS

Additional Commissioner, Jammu
[with the powers of Divisional Commissioner]