

**IN THE COURT OF DIVISIONAL COMMISSIONER,
JAMMU**

Dr. Raghav Langer, IAS

<u>File No.</u>	<u>Date of Institution</u>	<u>Date of Decision</u>
09/Appeal 2018-19	04-05-2018	13-11-2021

Satpal S/o Nanak Chand R/o Chak Jarala Nowshera, Rajouri

.....Petitioner

Versus

1. Tehsildar Nowshera
2. Gulshan Kumar
3. Kewal Krishan
Both sons of Sh. Narotam Dass
Both are Residents of chak Jaralan Nowshera.
4. Doulat Ram S/o Sh. Narotam Dass
5. Sahil Sharma S/o Daulat Ram
Both are R/o Dandesar Nowshera
6. Roshan Lal S/o Brij Lal R/o Nala Bagnoti Nowshera.

...Respondents

IN THE MATTER OF:- Application for implementation of
Circular/Order No. 601/RA/WP/PIL-
19/2011/719-31 dated 17-11-2015 in

Raghav

letter and spirits through SHO Police Station Nowshera and status quo be maintained on spot, thereby restraining the private respondents not to encroach upon the State Land bearing Khasra no. 797 & 799/1 measuring 29 Kanals situated at Chak Jaralan, Nowshera, District Rajouri.

Present:-

Advocate Umesh Sharma for the petitioner

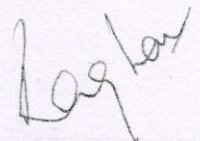
Advocate S.M Choudhary for the respondent no. 2 to 6.

A.R.A for the State.

J U D G M E N T

The present case has been filed by the petitioner for implementation of Circular/Order No. 601/RA/WP/PIL-19/2011/719-31 dated 17-11-2015 in letter and spirits through SHO Police Station Nowshera and status quo be maintained on spot, thereby restraining the private respondents not to encroach upon the State Land bearing Khasra no. 797 & 799/1 measuring 29 Kanals situated at Chak Jaralan, Nowshera, District Rajouri. The assertions contained in the petition are:

1. That the land falling under Khasra No. 797 & 799/1 measuring 29 Kanals 15 Marlas situated at Chak Jaralan, Nowshera belongs to the State Land and the private respondents always trying to encroach upon the State land the the application also approach to the Hon'ble Chief Minister grievance call in the year 2015 and the concerned Sub

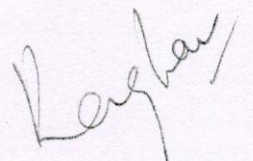


Divisional Magistrate also submitted the report to the concerned Deputy Commissioner, Rajouri and they specifically mentioned that the land fallen in the Khasra no. 797 & 799/1 belongs to the State Land and no one is entitled for illegal encroachment on the above said State Land.

2. That the land falling under Khasra No. 797 & 799/1 measuring 29 Kanal 15 Marlas situated at Chak Jaralan Tehsil Nowshera as per the revenue record of Mussavi of 1986-87 and settlement Mussavi of 2010-11 belong to the State Land.
3. That the applicant also approached to the revenue authority to restrained the private respondents for interfering not to encroach upon the State Land but till date they have not taken any action so far.

On presentation of the case, respondents were put to notice, who appeared through their Counsel before this Court. After completion of processes, the case was put to arguments.

On 24-09-2021, Ld. Counsel for both the parties present and put forth their oral arguments at length and case is fixed for final orders.



ARA for the State submitted that the land under dispute is a State land and prayed for acceptance of the present case.

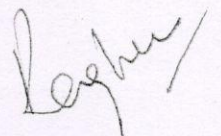
Held:

I have applied thoughtful consideration to the whole matter, examined the record and attentively heard the Ld. Counsel for the parties.

From the bare perusal of record, it is evident that the concerned Sub Divisional Magistrate vide its order dated 13-11-2015 reported that the land falling under Khasra No. 797 & 799/1 is State Land.

It is also reported by Tehsildar concerned dated 06-11-2021 that land bearing Khasra No. 797 measuring 29 Kanals situated at Chak Jaralan, Nowshera, District Rajouri is a State land and as per spot position Land measuring 01 Kanal is under the illegal possession of Gulshan Kumar S/o Narotam Dass and the land is vacant on spot; whereas Rajinder Kumar S/o Nand Lal were under the illegal possession of 28 Kanal-15 Marlas. Also as per the spot position, the kind of soil of 'Gair Mumkin Jad'. As per the Khasra Girdawari Kharif 2021, Khasra No. 779, State is recorded as owner and the kind of soil is Gair Mumkin 'Pei'.

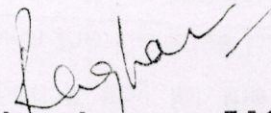
Viewed thus, in totality of the facts and circumstances of the case, specifically the law position in this regard, the present



application is hereby accepted with the directions to Tehsildar, Nowshera to evict illegal encroacher over the said State land.

Interim direction, if any, passed by this court shall stands vacated. File be consigned to record after due completion. Record file, if any, received from the Court below shall be sent back.

Announced
13-11-2021


Dr. Raghav Langer, IAS,
Divisional Commissioner,
Jammu.