



सत्यमेव जयते

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.
-

Date of Institution
25-06-2019

Date of Decision

03-06-2021

Nazir Hussain S/o Wali Mohd. R/o Marhote Tehsil Surankote, District Poonch

...Petitioner

Versus

1. Deputy Commissioner, Poonch.
2. Sub Divisional Magistrate (SDM), Surankote.
3. Tehsildar Surankote
4. Tasveer Hussain S/o Muneer Hussain R/o Marhote Tehsil Surankote, District Poonch
5. Smt. Imtiyaz Ahmed Khan S/o Mushtaq Ahmed Khan R/o Sangla Tehsil Surankote.

...Respondents

In the matter of:-

Revision Petition against order dated 31.11.2018, order dated 24.12.2018 and order dated 19.06.2018 passed by the respondents. Prayer for setting aside the same.

ORDER

The instant revision petition was transferred to this Court by the Divisional Commissioner, Jammu vide order dated 25/06/2019 for disposal under law. The brief facts of the case as enumerated by the Petitioner are that the Respondent no. 4 herein filed a complaint before the Deputy Commissioner, Poonch on 03/11/2018 against Sh. Nazir Hussain S/o Wali Mohd R/o Mahrote and the Deputy Commissioner Poonch forwarded the same to SDM Surankote seeking a detailed report in the matter and also directed SDM to evict the enroacher if the state land is sold and also get FIR registered in the matter. Accordingly, SDM Surankote referred the matter further to the Tehsildar Surankote vide no. SDM/SKT/2018-19/211-14 dated 24/12/2018 to look into it

He.


personally and if it is fact that state land has been sold by Sh. Nazir Hussain S/o Wali Mohd R/o Mahrote then an FIR may be registered against Nazir Hussain S/o Wali Mohd. R/o Marhote Tehsil Surankote, District Poonch. Thereafter Tehsildar Surankote vide his no. OQ/170 dated 19/06/2019 asked SHO Police Station, Surankote to take further necessary action under law. The Petitioner has stated that he filed a detailed representation in the matter before respondent no. 2 & 3 and further stated that the father of private respondent has also filed an appeal for cancellation of allotment of the petitioner with respect to Khasra nos 1141, 1142 & 1143 of Village Mahrote which is pending before the Court of Additional Deputy Commissioner, Poonch. It has been further stated that no opportunity of being heard has been provided to the petitioner and as such order dated 31.11.2018, order dated 24.12.2018 and order dated 19.06.2018 passed by the respondents may be quashed.

I have heard the arguments and examined the record available on the case file. In the present case it seems that a complaint has been filed before Deputy Commissioner which was forwarded to SDM, Surankote and the SDM Surankote. Similarly Tehsildar Surankote asked SHO Surankote to take further necessary action in the matter without providing opportunity of being heard to the petitioner.

In view of what has been discussed above it has been observed that it would be appropriate to enquire the matter under law and as such the present revision petition is disposed of with a direction to the Deputy Commissioner, Poonch to pass appropriate order under law in the facts and circumstances of the case after providing opportunity of being heard to the interested persons. A copy of this order be sent to Deputy Commissioner, Poonch. The parties are directed to appear before the Deputy Commissioner, Poonch on 01/07/2021.

The stay granted by this Court, if any, shall stand vacated. The record file of this court be consigned to records after due completion.

Announced
03-06-2021


(Pawan Kumar Sharma) KAS
Additional Commissioner, Jammu
[with the powers of Divisional Commissioner]