



In the Court of Additional Commissioner, Jammu  
(With the powers of Divisional Commissioner)  
(Rail Head Complex, Jammu)  
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**File**  
**04/Appeal**

**Date of Institution**  
**16.04.2022**

**Date of Decision**  
**07.06.2022**

Tirth Ram age 80 years S/o late Sh. Dev Raj R/o Village Mandal, Tehsil Mandal  
District Jammu

**...Appellant**

Versus

1. Sub Divisional Magistrate, Jammu South (Gangyal), Jammu.
2. The Tehsildar Mandal.
3. Tripta Devi W/o late Sh. Kesho Ram
4. Sanjeev Kumar S/o late Sh. Kesho Ram R/o Mandal Tehsil Mandal District Jammu.
5. Ashu Sharma D/o late Sh. Kesho Ram.
6. Anu Sharma D/o Late Sh. Kesho Ram  
All residents of Mandal Tehsil Mandal District Jammu.
7. Shivani Sharma D/o late Sh. Kesho Ram R/o Muthi Jammu.

**...Respondents**

**IN THE MATTER OF:**

Appeal against the impugned order dated 01-04-2022 passed by the Respondent no.1 on the margin of application filed by the appellant on 14-07-2021 for partition of land falling under khasra nos. 360 (old), new 698 measuring 04 K-02M and 356 (old), new 700 measuring 08K-16M total measuring 12K 18M situated at Village Mandal Tehsil Mandal District Jammu by virtue of which the respondent no. 1 has illegally and arbitrarily vacated the interim direction dated 14-07-2021 thereby allowing the respondents no. 3 to 7 to raise construction on the land in question. Prayer for setting aside the same.

**ORDER**

**07.06.2022:** The present appeal has been filed against the order dated 01-04-2022 passed by the Respondent no.1 on the margin of application filed by the appellant on 14-07-2021 for partition of land falling under khasra nos. 360 (old), new 698

g/c website

Reader to  
Additional Commissioner  
Jammu



measuring 04 K-02M and 356 (old), new 700 measuring 08K-16M total measuring 12K 18M situated at Village Mandal Tehsil Mandal District Jammu by virtue of which the respondent no. 1 has vacated the interim direction dated 14-07-2021 thereby allowing the respondents no. 3 to 7 to raise construction on the land in question. Brief arguments were heard on behalf of the appellant and respondents to the request of Ld. Counsel appellant which is subject matter of the suit in the court of SDM, Jammu South. Ld. Counsel for the appellant stated that the order of Sub-Divisional Magistrate, Jammu South is not sustainable in the eyes of law since no speaking order has been passed and all the interim directions related to status quo have been vacated without providing the opportunity of being heard to the appellant. He further stated that he has no objection to the construction of residential house presently undertaken by the respondents and pleaded that he will be satisfied if the directions are made to the court below to proceed for partition of land under law after affording opportunity of being heard to all the interested parties. He further requested that direction shall be made for maintaining of status quo on spot by both the parties with regard to the any fresh construction activity except the one undertaken by the respondents presently. Ld. Counsel for the caveaters have not expressed any objection. Perusal of the record placed on the file reveals that SDM, Jammu South has not passed any final order in the matter and has simply marked application to Tehsildar Mandal as ***"your report 02.02.2021, has been perused, all interim direction related to status quo are vacated as an interim order. Final order shall be issued also in due course of time"***

In view of the above, the present appeal is disposed of with the direction to the Sub-Divisional Magistrate, Jammu South to proceed ahead for the partition to the request of Ld. Counsel for appellant strictly under law after providing opportunity of being heard to all the interested parties with further directions that no fresh construction activity shall be allowed in respect of the land for which partition proceedings are pending in the court below except the one undertaken by the respondents (if it is in accordance with law) till partition proceedings are completed. However, it is made clear that possession of the parties shall not be disturbed during the pendency of partition. Copy of the order shall go to Sub-Divisional Magistrate, Jammu South for compliance. The case file be consigned to records after due completion.

**Announced**  
07.06.2022

**Sd/-**  
**Pawan Kumar Sharma, JKAS**  
**Additional Commissioner, Jammu**  
[with the powers of Divisional Commissioner]