



In the Court of Additional Commissioner, Jammu
(With the powers of Divisional Commissioner)
(Rail Head Complex, Jammu)
(0191-2478991, 2478999, Fax-2478997, e-mail: divcomjmu-jk@nic.in)

<u>File No</u>	<u>Date of Institution</u>	<u>Date of Decision</u>
LRA/0000000292/2022	04.06.2022	18.10.2023

1. Hem Raj S/o Sh. BadriNath
 2. Jagan Nath S/o Sh. Punjabu Ram
 3. Suraj Parkash S/o Sh. Krishan Lal
 4. Pawan Kumar S/o Sh. Krishan Lal
 5. Romesh Lal S/o Sh. Sansar Chand
 6. KewalKrishan S/o Sh. Rakha Ram
 7. Babu Ram S/o Sh. Punjabu Ram
 8. Madan Lal S/o Sh. Punjabu Ram
 9. Bodh Raj S/o Sh. Punjabu Ram
 10. Mohan Lal S/o sh. Babu Ram
- All the residents of Pallanwala (Thanger) Tehsil Khour, District Jammu

Appellants

Versus

1. Swarn Singh S/o Sh. Janak Singh R/o Village Pallanwala (Thanger), Tehsil Khour, District Jammu.
2. Director General Defence Estates, BRO (GREF), Integrated Ministry of Defence (ARMY) Army Headquarters, South Block, New Delhi
3. Defence Estates Officer, Northern Command C/o 56 APO

Respondents

4. Yash Paul S/o Sh. Badri Nath R/o Pallanwala (Thanger) Tehsil Khour, District Jammu

Proforma Respondent

IN THE MATTER OF: Appeal against the order dated 30.12.2019 passed by the Sub Divisional Magistrate Khour in the application titled "Hem Raj and others Vs. Swarn Singh".

ORDER

This case came up for hearing on 18.10.2023. Ld. Counsel for the appellants present. Ld. Counsel for the respondent no. 1 also present. Ld. Counsel for the appellants stated that the report of Tehsildar, Khour is silent with regard to the spot position. He also stated that the appellants are the owners of the land and the compensation was being awarded wrongly. Ld. Counsel for the respondent no. 1 stated that the matter needs to be enquired at the level of Tehsildar and the Deputy

Sd/-

Additional Commissioner
JAMMU

Commissioner shall disburse the compensation only to the rightful claimants. In view of the submissions of both the counsels, it has been observed that the matter in hand refers to the compensation being paid by Deputy Commissioner, Jammu. The order passed by SDM, Khour is also silent with regard to the entitlement of compensation to the parties. The order has just mentioned the position recorded in the revenue record. As such the order passed by SDM, Khour does not need any interference and shall not come in the way of the enquiry officer. The present appeal is disposed of with the direction to Tehsildar concerned for conducting proper enquiry with regard to the entitlement of the compensation and forward the same to the disbursing authority i.e. Deputy Commissioner, Jammu who shall disburse the compensation to the rightful claimants only. The parties shall produce their witnesses before the Tehsildar concerned. Interim order issued by this court, if any, shall stand vacated and case file be consigned to records after due completion. Copy of the order shall go to Deputy Commissioner, Jammu and Sub-Divisional Magistrate, Khour for reference and record. One copy of the order shall also go to Tehsildar, concerned for information and necessary action.

Announced
18.10.2023

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

2/c v/s s/o

[Signature]
Reader to
Additional Commissioner
Jammu