



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)

1. Bodh Raj S/o Rishi Ram R/o Chhan Detayal Tehsil Hiranagar District Kathua.

.....Petitioner

Versus

1. Sub Divisional Magistrate Hiranagar District Kathua.

2. Naib Tehsildar, Chadwal Tehsil Hiranagar District Kathua.

3. Lal Chand S/o Rishi Ram R/o Chhan Detayal Tehsil Hiranagar District Kathua.

.....Respondents

In the matter of :-

Revision Petition against the order dated 26.11.2021 passed by Sub Divisional Magistrate Hiranagar and also against the subsequent proceedings being conducted by the respondent No. 1 in an illegal manner without having any power and authority of law. Prayer for setting aside the same.

ORDER

This revision petition has been presented by the Ld. Counsel for the petitioner after being transferred to this Court by the Divisional Commissioner Jammu vide order No. 801/Reader/Div-Com/1321-22 dated 19.02.2022. Heard the arguments. While arguing the matter Ld. Counsel reiterated the grounds taken in the petition and prayed that the application for interim relief may kindly be allowed and the impugned order dated 28.12.2021 passed by respondent No. 1 and notice dated 01.01.2022 issued by respondent no. 2 may be stayed till final disposal of the case since the order has been passed without affording opportunity of being heard to petitioner herein. From perusal of record placed on the case it transpires that the application of one Sh. Lal Chand has been marked by the Sub Divisional Magistrate Hiranagar to Naib Tehsildar Chadwal directing him to enquire and report and asked him to ensure status quo on spot till further orders. This application was further forwarded by Naib Tehsildar Chadwal to PH / GQ for spot visit and report under rules and further directed to ensure status quo on spot as per the the directions of SDM Hiranagar. Thereafter on 01.01.2021, Naib Tehsildar Chadwal issued directions to the Incharge Police Post Chadwal to implement the order of SDM Hiranagar and furnish compliance report. Against the said orders, the petitioner has filed the present revision petition before this Court.

After considering the argument advanced by the Ld. Counsel for the petitioner and examination of the case file, it has been observed that SDM Hiranagar has simply marked the application to the Naib Tehsildar Chadwal with a direction to maintain status quo on spot till further orders without hearing the petitioner. The SDM Hiranagar has not passed the order as was required to be passed after hearing the interested parties. As

*g/c website
H. Sen*

Reader to
Additional Commissioner
Jammu

per law nobody should be condemned unheard, if he has any interest in the matter. Therefore, without commenting on the merit of the case, the present revision petition is disposed of in limine with the direction to the SDM Hiranagar to take call in the matter afresh and pass appropriate orders, strictly under law after providing opportunity of being heard to the interested parties. A copy of the order alongwith the copy of paper book shall go to SDM Hiranagar for information and further necessary action in light of the observations made herein above. The case file be consigned to records after due completion.

**Announced
19.02.2022**

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