



In the Court of Additional Commissioner, Jammu
(With the powers of Divisional Commissioner)
(Rail Head Complex, Jammu)
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File No
LRA/0000000420/2022

Date of Institution
19.10.2022

Date of Decision
19.10.2022

Jamia Masjid Intizamia Committee Latti through its President Khalid Hussain Malik S/o Late Barkatullah R/o Village Latti Tehsil Latti Marothi District Udhampur

.....Petitioner

Versus

1. Mohd. Arif S/o Rehmatulla R/o Village Latti Tehsil Latti Marothi District Udhampur
2. Sub Divisional Magistrate Dudu District Udhampur
3. Tehsildar Latti Marothi District Udhampur

.....Respondents

In the matter of :-

Revision against the order dated 17.06.2022 passed in application No. SDM/D/41-42 by the court of Sub Divisional Magistrate Dudu (Udhampur) with the powers of Collector Land Revenue in application titled Mohd. Arif Vs Khalid Hussain (Jamia Masjid Intizamia Committee Latti).
Prayer for setting aside the same.

ORDER

The present revision petition against the order dated 17.06.2022 passed in application No. SDM/D/41-42 by the Sub Divisional Magistrate, Dudu (Udhampur) with the powers of Collector Land Revenue in application titled Mohd Arif Vs Khalid Hussain (Jamia Masjid Intizamia Committee Latti) has been transferred to this court by the Ld. Divisional Commissioner, Jammu for further adjudication and disposal under law. Ld. Counsel for the petitioner appeared and argued that the Sub Divisional Magistrate, Dudu has passed the order without providing an opportunity of being heard to the petitioner. He also contradicted the contents of the communication of the Sub Divisional Magistrate, Dudu addressed to Tehsildar Latti-Marothi and stated that the land in question is not common land (Bandobasti Rasta) and the officer below without any enquiry has passed the impugned order.

I have gone through the record placed on the file and heard the oral submissions of the Ld. Counsel for the petitioner. It has been observed that the Ld. Counsel for the petitioner has challenged the communication of Sub Divisional Magistrate, Dudu addressed to Tehsildar Latti-Marothi. No where in the communication there is mention of khasra numbers / the details of land from which removal of illegal construction has been directed.

In view of the above, the present revision petition is disposed of with the remarks that the Sub Divisional Magistrate, Dudu with the powers of Collector Land Revenue shall pass an order strictly in accordance with law after providing the opportunity of being heard to the necessary parties and conducting enquiry in the matter. The petitioner shall appear before the court of Sub Divisional Magistrate (Collector Land Revenue), Dudu on 12.11.2022 and till then status quo shall be maintained on spot and thereafter Sub Divisional Magistrate (Collector Land Revenue Act), Dudu shall pass order strictly in accordance with the law after providing opportunity of being heard to the necessary parties. Copy of the order along with paper book of the revision petition shall go to Sub Divisional Magistrate (Collector Land Revenue), Dudu for compliance.

revised

Announced
19.10.2022

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

[Signature]
Reader to
Additional Commissioner
Jammu