



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
LRA/0000000198/2019

Date of Institution
23.11.2019

Date of Decision
23.11.2022

Wahied Ullah Khan, Age 27 years S/o Mohd. Javir Khan, R/o village Gullhote, Tehsil Mendhar District Poonch

....Petitioner

Versus

1. Mushtaq Ahmed Khan S/o Sher Mohd. Khan R/o Village Gulhotta, Tehsil Mendhar District Poonch
2. The Sub-Divisional Magistrate, Mendhar
3. The Naib Tehsildar, Harni

....Respondents

In the matter of :- Petition seeking removal of encroachment on Makhsoos Kahcharai Land under Khasra No. 1171 total measuring 565 kanals under different nature situated at village Gulhotta District Poonch in which the respondent No. 1 has constructed four shops over the piece of the land out of some Khasra near Govt. High Secondary School Keri Kangra and despite the inhabitants taking the legal remedy seeking removal of encroachment the official respondent had allowed the construction of the shops.

ORDER

The present petition came up for hearing on 23.11.2022. None present for petitioner and private respondent. ARA appeared on behalf of official respondents and stated that the private parties are not attending the court since long. Moreover, the issue highlighted in the memo of the petition is for seeking directions for removal of encroachment on Makhsoos Kahchrai land under khasra No. 1171 total measuring 565 kanals at village Gulhotta District Poonch for which Sub Divisional Magistrate, Mendhar/Tehsildar Mendhar are competent revenue officers. Perusal of order sheet of the case file reveals that neither the petitioner nor his counsel has been attending the court continuously for last three hearings and today i.e. 23.11.2022 also they have not caused appearance in the court. Since the issue highlighted in the petition involves removal of encroachment on Makhsoos Kahchrai land and the status report called from the Sub Divisional Magistrate, Mendhar has also mentioned that the status of khasra No. 1171 is Makhsoos Kachrai in which Mushtaq Ahmed S/o Sher Mohd Khan R/o Gulhotta Tehsil Mendhar has constructed 04 number of pakka shops, it will not be appropriate to dismiss the petition in default for non prosecution on behalf of the petitioner. As such the present petition is disposed of with the direction to Sub Divisional Magistrate Mendhar, District Poonch to enquire into the matter and take appropriate action strictly in terms of law governing the subject. He shall ensure that no illegal encroachment on Kahchrai land is allowed. The interim order issued by this court, if any, shall stand vacated. The case file be consigned to records after due completion. The paper book of the petition shall also go to Sub Divisional Magistrate, Mendhar, District Poonch along with order of the court for compliance. One copy of the order shall also go to Deputy Commissioner, Poonch for reference and record.

Announced
23.11.2022

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

Reader to