



In the Court of Additional Commissioner, Jammu
(With the powers of Divisional Commissioner)
(Rail Head Complex, Jammu)
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<u>File</u>	<u>Date of Institution</u>	<u>Date of Decision</u>
14/Revision 2021-22	22.04.2021	27.04.2022

1. Jatinder Kumar S/o Amar Nath R/o Ward no. 13, Vijaypur District Samba.
2. Rajesh Kumar S/o Amar Nath R/o Vijaypur District Samba.
3. Parshotam Paul S/o Lal Chand R/o W.no. 13, Vijaypur District Samba.
4. Vikram verma S/o Nathu Ram R/o ward no. 13 Vijaypur District Samba.
5. Sahil Kumar S/o Tarseem Lal R/o ward no. 13 Vijaypur District Samba.
6. Shova Sharma W/o Gopal Sharma R/o ward no. 13 Vijaypur District Samba.
7. Mukhal Mahajan S/o Bushan Kumar R/o ward no. 13 Vijaypur Samba.
8. Kamlesh Devi W/o Madan Lal R/o ward no. 13 Vijaypur District Samba.
9. Neelam Devi W/o Madan Lal R/o ward no. 13 Vijaypur District Samba.
10. Ganesh Kumar S/o Krishan Kumar R/o ward no. 13 Vijaypur District Samba.
11. Yash Paul S/o Om Parkash R/o ward no. 13 Vijaypur District Samba.
12. Shivta Kumari W/o Ram Paul R/o ward no. 13 Vijaypur District Samba.
13. Madan Lal S/o Nank Chand R/o ward no. 13 Vijaypur District Samba.
14. Suresh Kumar S/o Gian Chand R/o ward no. 13 Vijaypur District Samba.
15. Neeta Gupta W/o Yash Paul Gupta R/o ward no. 13 Vijaypur District Samba.
16. BhagwanDass S/o Babu Ram R/o ward no. 13 Vijaypur District Samba.
17. Madhu Sharma W/o Onkar Sharma R/o ward no. 13 Vijaypur District Samba.
18. Gurmel Singh S/o Charan Singh R/o ward no. 13 Vijaypur District Samba.
19. RenuBala W/o Arjun Sharma R/o ward no. 13 Vijaypur District Samba.
20. Manju Bala W/o late not known R/o ward no. 13 Vijaypur District Samba.
21. Kamaljit Lal W/o Darshan Devi R/o ward no. 13 Vijaypur District Samba.
22. MadhuBala W/o Yash Paul R/o ward no. 13 Vijaypur District Samba.
23. Kuldip Singh S/o Prem Singh R/o ward no. 13 Vijaypur District Samba.
24. Prabhat Singh S/o Munshi Ram R/o ward no. 13 Vijaypur District Samba.
25. Asha Rani W/o Babu Ram R/o ward no. 13 Vijaypur District Samba.
26. Jasvinder Kour W/o late Sub Hoshnak Singh R/o ward no. 13 Vijaypur District Samba.
27. Neelam Kumari W/o Sh. Ashok Kumar R/o ward no. 13 Vijaypur District Samba.
28. Balwinder Singh S/o KrishanLal R/o ward no. 13 Vijaypur District Samba.

..... Petitioners

VERSUS

1. Deputy Commissioner, Samba.
2. Sub-Divisional Magistrate, Vijaypur
3. Tehsildar, Vijaypur.

g/c website.
Reader to
Additional Commissioner
Jammu

27. Neelam Kumari W/o Sh. Ashok Kumar R/o ward no. 13 Vijaypur District Samba.
28. Balwinder Singh S/o KrishanLal R/o ward no. 13 Vijaypur District Samba.

..... Petitioners

VERSUS

1. Deputy Commissioner, Samba.
2. Sub-Divisional Magistrate, Vijaypur
3. Tehsildar, Vijaypur.
4. Patwari, Patwar Halqa, Vijaypur.
5. Bishamber Singh S/o Kartar Singh R/o Vijaypur District Samba

.....Respondents

IN THE MATTER OF: Petition on behalf of the petitioners seeking direction to the official respondents to restrain the respondent no 5 from raising any construction, changing the nature of the land measuring 5 kanal 10 marlas falling under khasra no. 511 situated at ward no. 9, of Tehsil Vijaypur District Samba which is a Ghair Mumkin Chappri and registered as Rafaya Aam in the revenue records.

With a further prayer to restore the original position of the water body and allow the local inhabitants of Ward No. 9 and 13 of Tehsil Vijaypur District Samba to use the common passage adjoining the Ghair Mumkin Chappri fallin Khasra No. 511

ORDER

The present petition has been filed on behalf of the petitioners seeking direction to the official respondents to restrain the respondent No. 5 from raising any construction, changing the nature of the land measuring 05 Kanal 10 Marlas falling under Khasra No. 511 situated at Ward No. 2 of Tehsil Vijaypur District Samba which is allegedly Gair Mumkin Chappri and has been recorded as Rafaya Aam in the Revenue record. It has been further prayed to restore the original position of the water body and allow the local inhabitants of Ward No. 9 & 13 of Tehsil Vijaypur District Samba to use the common passage adjoining the Gair Mumkin Chappri falling in Khasra No. 511.

From the perusal of the record placed with the petition, it has been observed that the said Khasra No. 511 has been recorded as private land and as per copy of Khasra Girdawari 2021, the kind of the soil is Banjar Kadeem. However, Ld. Counsel for the petitioner pleaded that the said Khasra No. was recorded as Gair Mumkin

Chappri, Rafaya Aam in the year 1971-72. He further pleaded that respondent No. 5 has illegally, arbitrarily started construction over the said Gair Mumkin Chappri which needs thorough enquiry of recorded as well as spot position.

In view of the above stated position, it is clear that the submissions made in the petition needs thorough verification with regard to the recorded and spot position by the field functionaries and as such this court deems it proper to refer the matter to Sub-Divisional Magistrate, Vijaypur for taking cognizance in the matter. Therefore, the case is remitted to the court of Sub-Divisional Magistrate, Vijaypur for further proceedings and disposal under law after proper appreciation of the facts with regard to recorded and spot position after providing opportunity of being heard to the concerned. A copy of the paper book of the petition be sent to the Sub-Divisional Magistrate, Vijaypur alongwith the copy of this order. Parties shall appear before Sub-Divisional Magistrate, Vijaypur on 20.05.2022 and the status quo order issued by this Court shall remain intact till the case is taken up by the Sub Divisional Magistrate Vijaypur and thereafter he shall pass appropriate order under law. The case file be consigned to records after due completion.

Announced
27.04.2022

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