



सत्यमेव जयते

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)

In the matter of:-

1. Sham Singh S/o Chanchal Singh R/o village Lower Barnai, Tehsil Jammu North.
(Petitioner)

Versus

1. Tehsildar Jammu North.
2. Naib Tehsildar, Muthi, Jammu
3. Assistant Commissioner (Revenue) Jammu.
4. Collector (SDM), Jammu North, Jammu

(Respondents)

In the matter of:- Revision petition against the order passed by (i) Tehsildar, Jammu North under his No. TJN/OQ/20-21/209-211 dated 23.07.2020 by virtue of which he has directed the Naib Tehsildar Muthi to identify the encroachers of land comprised of Khasra No. 98 of village Barnai and forward the list of encroachers to SHO and (ii) Assistant Commissioner (Revenue), Jammu dated 02.09.2014 directing Tehsildar Settlement Jammu to remove encroachment under section 133 of J&K Land Revenue Act.

ORDER

The present revision petition has been transferred from the Court of Ld. Divisional Commissioner, Jammu to this court for disposal under law. The petitioner has filed revision petition against order dated 23.07.2020 passed by Tehsildar, Jammu North to identify the encroachers of the land of Khasra No. 98 of village Barnai and order dated 02.09.2014 passed by Assistant Commissioner (Revenue), Jammu directing the Tehsildar, Jammu to remove the encroachment under section 133 of J&K Land Revenue Act.

The Perusal of the record file reveals that the Assistant Commissioner, Revenue Jammu in order dated 02.09.2014 has stated that *inhabitants of village Lower barnai filed an application on 22.06.2013 through Shri Raj Dev Singh Sarpanch Panchayat Halqa for demarcation of land falling under Survey No. 98 (Cremation Ground) situated at village Barnai Tehsil and District Jammu, wherein it has been alleged in the application that portion of land of the cremation ground has been encroached upon and said application was forwarded to Tehsildar Settlement Jammu in whose jurisdiction this land falls, for verification and taking appropriate action in the matter. Tehsildar was also asked to ensure that there should not be any encroachment, filling of Nallah or dumping of any material on the subject land. Tehsildar was also directed to furnish factual report in the matter within 07 days.*

The Tehsildar Settlement Jammu forwarded the instant application to the Naib Tehsildar Muthi for conducting of demarcation, whereas, Naib Tehsildar after conducting demarcation submitted report through Tehsildar Settlement Jammu vide No. 2514/STJ/R dated 05.11.2013 which reveals that land of Cremation Ground bearing Survey No. 98 situated at village Lower Barnai, Tehsil and District Jammu has been encroached upon which is required to be vacated and restored back to Cremation Ground. Accordingly,

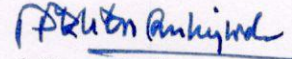
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Assistant Commissioner Revenue Jammu vide order dated 02.09.2014 directed Tehsildar Settlement, Jammu to remove the encroachment under due course of law as provided under Section 133 of Land Revenue Act.

The perusal of the order sheet transpires that the petitioner and his counsel is not appearing in the case in many hearings which means that the petitioner has lost interest to prosecute the case. Since the revision petitions are to be decided on merits, I have gone through the memo of the petition, record available on the file and finally come to the considered conclusion that the order dated 02.09.2014 & 23.07.2020 are in accordance with law and requires no interference of this court. The revision petition is not maintainable and is accordingly dismissed. Interim order, if any, passed by this court stands vacated. The copy of order be forwarded to the parties. File be consigned to records after due completion.

No:801/Addl.Com/P/2021-22/ 14

Dated:- 11.4.2022



Additional Commissioner,
(With the powers of Divisional Commissioner)
Jammu

Copy to:-

1. Assistant Commissioner, Revenue, Jammu for information and n/a
2. Tehsildar Jammu North for information and n/a
3. Ld. Counsel for petitioner.