



Government of Jammu and Kashmir,  
In the court of Additional Commissioner, Jammu  
[With the powers of Divisional Commissioner]

**In the Matter of:-**

1. Mohd Hussain, Age 81 years S/o Lt. Sh. Sater Din, R/o Dhanore, Loharan, Tehsil & District Rajouri.

**(Applicant)**

Versus

1. Mohd Usman, S/o Sh. Firoz Din
2. Mohd Bashir S/o Sh. Firoz Din  
Both residents of Dhanore, Loharan, Tehsil & District Rajouri.
3. Tehsildar Rajouri.

**(Respondents)**

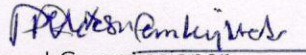
**In the matter of:-** Petition seeking direction to the Tehsildar Rajouri to Remove the encroachment made by the respondent No.1 and 2 over Gair Mumkin Banna measuring 13 Marla Comprising Khasra No.136 situated at Dhanore, Loharan, Tehsil and District Rajouri which is used as pathway /passage by the petitioner and many other persons of the village and the pathway also leads to water spring (Bouli) which is the source of drinking water for providing water to the cattle by the local residents.

**ORDER**

This case has been transferred from the court of Divisional Commissioner Jammu to this Court for disposal under law. Perusal of the memo of the petition and record on file reveals that the applicant has neither filed a revision/appeal nor challenged any order. The petitioner herein has approached this court with an application/ petition with the request to secure directions to Tehsildar Rajouri to remove the encroachment made by respondent No. 1 & 2. Whereas, the applicant was required to approach the office of Tehsildar Rajouri which he has not done and has directly approached to this court by bypassing the subordinate forum. Therefore, the application of the applicant is disposed of with the directions that the applicant shall present his application before the Tehsildar Rajouri. The Tehsildar, Rajouri is directed to enquire into the matter, visit the spot, hear both the parties, provide them ample opportunity of being heard and dispose of the matter strictly in accordance with the law/ rule governing the subject matter, by following due process of law within a period of six months. Interim order, if any, passed by this court stands vacated. File be consigned to records after due completion.

No:801/Addl.Com/P/2021-22/ 219

Dated:- 29.03.2022.

  
Additional Commissioner,  
With the power of Divisional  
Commissioner  
Jammu

**Copy to:**

1. Tehsildar Rajouri for information and n/a.
2. Counsel for the petitioner.