



In the court of Additional Commissioner, Jammu  
(With the powers of Divisional Commissioner)  
(Rail Head Complex, Jammu)  
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**In the matter of:**

1. Rattan Singh S/O Sh. Krishan Lal R/O village Karlah Tehsil Chenani District Udhampur. **(Petitioner)**

**Versus**

1. State of J&K through Collector D.C Udhampur
2. Sub-Divisional Magistrate Chenani Tehsil Chenani District Udhampur.
3. Naib Tehsildar Chenani District Udhampur.
4. Mohan Lal S/O Gopi Ram R/O village Karlah Tehsil Chenani District Udhampur. **(Respondents)**

**In the matter of:-** Revision against the order dated 08.05.2018 passed by SDM Chenani and order dated 20.02.2019 issued by Naib Tehsildar Chenani.

**ORDER**

The petitioner has filed Revision petition against the order dated 08.05.2018 passed by SDM Chenani and order dated 20.02.2019 passed by Naib Tehsildar Chenani by virtue of which the eviction orders have been issued. The present revision petition has been transferred from the court of Divisional Commissioner Jammu to the Court of Additional Commissioner-II, Jammu.

The petitioner has challenged the order on the grounds that Mohan Lal (Respondent no. 4) is not having good terms with him and has filed frivolous complaint on the basis of which Respondent No.3 has issued eviction /demolition notice to the petitioner due to which the petitioner approached Collector Udhampur (Respondent No.1) as per provision 133 (2) of Land Revenue Act with an offer to give alternate land in exchange, out of his proprietary land so that his family which comprises of more than six souls is not affected.

Heard the ARA, who stated that the petitioner is the illegal occupant of the state land & Kahcharai land situated in the village Karlah Tehsil Chenani as defaulters and order passed by SDM Chennai and Naib Tehsildar

*[Signature]*

Chenani is in accordance with the law and the revision petition is devoid of merit may dismissed with costs. The perusal of the order sheet transpires that neither the petitioner nor his counsel is appearing in this case in many hearings. The revision petition are to be decided on merits.

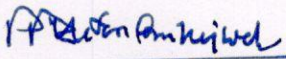
The petitioners despite of knowing the fact that the land is Kahcharai land, has chosen to encroach upon it in gross violation of law. It is responsibility of Revenue officers to see to it and that the Kahcharai land is not permitted to be utilized in contravention of law. The appellant is neither having any right over the Kahcharai land nor he can seek protection as contemplated under section 133(2) as it would tantamount to granting premium over illegality committed.

Even otherwise no record has been placed before this court by petitioner regarding the factum of having applied for exchange of land. Even if, for an example, it is presumed that the person has applied for exchange of land, but he cannot in the garb of same encroach upon the said land and raise construction on it without waiting for the orders on his exchange application. Besides, it is always for the competent authorities to assess an offer, as envisaged in the above quoted section 133(2) of the land revenue Act and take appropriate decision thereon, in accordance with the attending circumstances. An illegal act would not create any right to the petitioner over the piece of State/Kahcharai land nor can this court come to his rescue to protect his illegal act under the garb of the provisions of section 133(2) of J&K Land Revenue Act. The revision petition cannot be allowed to invoke the provisions of Section 133(2) of the Act to perpetuate illegality.

I have gone through the memo of revision petition, record on file, heard ARA and finally come to the conclusion that the Revision petition is devoid of merit and hence dismissed.

No:801/Addl.Com/p/2021-22/ 212

Dated:- 29.03.2022.

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