Sr. No. 23

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1186/2025

Amro Devi and Anr. …..Appellant(s)/Petitioner(s)

Through: Mr. G.S. Thakur, Advocate

Vs

U.T. of J&K and Ors. ….. Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Sagira Jaffar, Advocate for R- 1 to 4
Mr. Karan Sharma, Advocate for R- 5 to 30

Coram: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER
07.10.2026

1. The petitioners have thrown challenge to the order No. SDM/Akh/CS/2025-26/52-54 dated 02.05.2025 passed by respondent No. 2, whereby a direction has been issued to harvest the wheat crop under the supervision of respondent No. 3, Lamberdar and Chowkidar of village Bandwal, pursuant to the complaint made by the private respondents against the petitioners and their family members, alleging them to be the encroachers over the land falling under survey No. 355 measuring 10 kanals 05 marlas and land falling under survey No. 356 measuring 02 kanals 15 marlas, situate at village Bandwal, Tehsil Jourian, District Jammu.

2. The precise ground taken by the petitioners is that they are the owners in possession of the land in question as allottees. However, a dispute arose between the petitioners and the respondents (villagers) regarding the alleged encroachment. Respondent No. 2 without determining the issue of alleged encroachment, passed the impugned order whereby Lamberdar

and Chowkidar were authorized to supervise the harvesting of the wheat crop sown on the land in dispute.

3. Admittedly, the impugned order was passed in May, 2025 and, since its passing, about one year has elapsed. The petitioners are claiming to be the allottees of the land and, therefore, once the source of allotment is alleged and traceable, in that event respondent No. 2 was required to first adjudicate this foundational fact before passing the impugned order.

4. Confronted with this aspect of the matter, learned counsels for the respondents submits that, in case the impugned order is set aside and respondent No. 2 is directed to proceed in the matter, if pending any, in accordance with law, they will have no objection.

5. Keeping in view the facts and circumstances, as noticed above, coupled with the averments contained in the petition and submissions made by learned counsel for the parties at Bar, the order dated 02.05.2025 is quashed. However, respondent No. 2 is at liberty to proceed in the matter strictly in accordance with law, if he is seized of any matter concerning the alleged dispute regarding encroachment.

6. ***Disposed of***, accordingly.

(Shahzad Azeem)
Judge

Jammu
07.10.2026
Mihul

HIGH COURT OF JAMMU & KASHMIR AND LADAKH सत्यमेव जयते