Sr. No. 7

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 2797/2022
CM No. 7799/2022

Nazir Ahmed …..Appellants/Petitioner(s)

Through: Mr. M I Sherkhan, Advocate

Vs

UT of J&K and others ….. Respondent(s)

Through: Ms. Malivika Gupta, Advocate vice
Mrs. Monika Kohli, Sr. AAG
Mr. Ravinder Gupta, AAG with
Ms. Mehar Bali, Advocate

Coram: HON'BLE MR. JUSTICESHAHZAD AZEEM, JUDGE

ORDER
30.09.2026

1. The petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India seeking direction to the respondents not to construct the tractor road over his land falling under Survey No.658, as the said road was constructed over the land in survey No. 622 situate at village Dehridalyote Tehsil Manjakote, District Rajouri.

2. Precise case set up by the petitioner is that over his patch of land falling in Survey No. 658, a tractor road is being constructed by the respondents which according to him as per the official record was required to be constructed over land falling in Survey No. 622 but due to certain mis-identity of survey numbers the respondents have also consumed his land falling in the different survey number.

3. The petitioner also stated to have approached the revenue authorities for proper demarcation of the survey numbers by filing an application before the Additional Deputy Commissioner, Kalakote who by the order dated 20.10.2022 directed the Tehsildar concerned to get the land demarcated.

4. It is further contended by the learned counsel for the petitioner that despite the order passed by the Additional Deputy Commissioner, Kalakote the Tehsildar concerned did not comply with the direcction. Therefore, he was compelled to file the instant writ petition.

5. At this stage learned counsel for the petitioner submits that he will be satisfied, in case, the Tehsildar concerned is directed to demarcate the land strictly in terms of order dated 20.10.2022 passed by Additional Deputy Commissioner, Kalakote and thereafter, take necessary action in accordance with law.

6. To the prayed made by the learned counsel for the petitioner, the counsel appearing for the respondents has no serious objection.

7. With the consensus of the learned counsel for the parties, this petition is taken up for disposal and as such, same is disposed of with the direction to the respondents No. 9 and 10 to demarcate the survey Nos. 622 and 658 in terms of order dated 20.10.2022 passed by Additional Deputy Commissioner, Kalakote and thereafter take necessary action strictly in accordance with law. Let this exercise be completed within a period of six weeks' from the date of copy of this order and writ petition along with Annexures are made available to the respondents.

8. ***Disposed of***.

(Shahzad Azeem)
Judge

Jammu
30.09.2026
Mahavir

HIGH COURT OF JAMMU & KASHMIR AND LADAKH