

**Before Shaleen Kabra, IAS, Financial Commissioner (Revenue) / Commissioner
Agrarian Reforms, J&K, Jammu**

File No.

499/FC-AP

Date of Institution

08.05.2019

Date of Decision

01.12.2021

1. Mohammad Ishaq Khan
2. Farooq Ahmad Khan
3. Mohammad Zubair Khan
4. Mohammad Hussain Khan
S's/O Sani Khan

R's/O Village Khiram, Tehsil Srigufwara, District Anantnag Kashmir

.....**Appellants**

Versus

1. Jawahar Lal Raina
2. Makhan Lal Raina
S's/O Pandit Narayan Jo Raina,
3. Jai Kishori (Khananisheen Daughter of Pandit Narayan Jo Raina,
All residents of Khiram
A/P House No. 191 Barnai near Panchayat Ghar, Ward No. 65, Dharmal, P.O.
Muthi Jammu 181005.

.....**Respondents**

In the matter of:-

Appeal against the impugned order bearing No. DCA/MC/167/15/17/141-144,
dated 24.06.2017 issued by the District Magistrate, Anantnag.

ORDER

A complaint, alleging encroachment of migrant land measuring 08 kanals and 04 marlas covered under Khasra Nos. 4122/2449 and 4124/2449 of Estate Khiram Tehsil Srigufwara, District Anantnag, came to be filed by the respondents herein before District Magistrate, Anantnag who vide order dated 24.06.2017 directed Tehsildar concerned to rectify the revenue records in the first instance and thereafter evict the unauthorized occupants (appellants herein) from the said land by invoking powers under Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997.


It is this order of District Magistrate which has been challenged in the present appeal and accordingly the proceedings were initiated by this court, but during the course of proceedings Learned Counsel for the appellants moved an application before this Court stating therein that the respondents herein had already approached the Hon'ble High Court by way of Writ Petition, OWP No. 1176/2018 on the same subject matter and the said writ petition has been disposed of by the Hon'ble High Court vide Order dated 30.12.2020 and made a prayer to place the said judgement on record to avoid conflicting orders. The operative part of the judgement of the Hon'ble High Court placed on record by the Ld. Counsel for the appellants reads as under:-

"Given the case set up by the parties and submissions made by the Learned counsel for parties, writ petition is disposed of with a direction to respondent No. 5 (Deputy Commissioner, Anantnag) to decide the case/ proceedings, if any, initiated by him with respect to subject-matter of writ petition in strict accordance with provisions of Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 and take appropriate action as may be warranted in the facts and circumstances of the case and having regard to provisions of the Act of 1997, after giving opportunity of hearing to both the parties. Needful shall be done by respondent No. 5 within two months from the date copy of this order and complete paper book are served upon him."

In view of the above orders of Hon'ble High Court, the present appeal has become infructuous and the matter as such is referred to District Magistrate, Anantnag for disposal as desired by the Hon'ble High Court.

Interim orders ,if any, issued by this court are vacated.

Announced
01.12.2021


Shaleen Kabra (IAS)
Financial Commissioner, Revenue
J&K, Jammu

No:- 2167-68/FC-AP
Dated:- 07-12-2021

Copy to the:-

1. District Magistrate, Anantnag for information.
2. Tehsildar Sarigufwara Distt. Anantnag for information and necessary action