



**Government of Jammu & Kashmir
Civil Secretariat: Revenue Department**

Subject:-OWP No. 1832/2017, titled Inhabitants of Sub Division Gandoh (Bhallessa) V/s State of J&K &Ors.

**Government Order No: 26- Rev of 2018
D a t e d 06.02. 2018**

Whereas, vide Government Order No. 663-GAD of 2017 dated **25.05.2017**, an Additional Deputy Commissioner was posted in Bhaderwah; and

Whereas, vide Government Order No. 249-Rev of 2017 dated **12.10.2017**, the Additional Deputy Commissioner, Bhaderwah was empowered to exercise his territorial jurisdiction over the areas comprising Sub Division, Bhaderwah and Sub Division Gandoh; and

Whereas, the inhabitants of Sub Division Gandoh (Bhallessa) aggrieved of the said order dated **12.10.2017**, approached the Hon'ble High Court by way of OWP No. 1832/2017, praying for following directions:-

"CERTIORARI:-

Quashing Government Order No. 249-Rev of 2017 dated 12.10.2017 issued by respondent No. 4 whereby contrary to the recommendations of Deputy

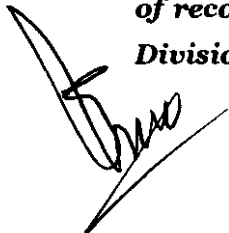
Commissioner, Doda and Sub Divisional Magistrate, Gandoh the Additional Deputy Commissioner, Bhaderwah was directed to exercise his territorial jurisdiction over the areas comprising sub-Division Bhaderwah and Sub Division Gandoh.

MANDAMUS:-

- i. Commanding the respondents to issue a corrigendum to the Government Order No. 249-Rev of 2017 dated 12.10.2017 so that the territorial jurisdiction of Sub Division, Gandoh be directed to be exercised by the Deputy Commissioner, Doda as the impugned order qua Sub Division, Gandoh is resulting in inconvenience and harassment to the residents of far flung Sub Division Gandoh.**
- ii. Commanding the respondents to upgrade the office of SDM Gandoh to the level of Additional Deputy Commissioner, Gandoh."**

Whereas, the Hon'ble Court vide Judgment dated **09.11.2017** in OWP No. 1832/2017 directed as under:-

"In view of the aforesaid submissions and in the facts of the case. I deem it appropriate to dispose of the writ petition with the direction to respondent No. 1 to decide the legal notice and to treat the same as representation and to decide it by a speaking order within a period of three weeks from the date of receipt of certified copy of the order passed to day in the light of recommendations made by D C Doda as well as Sub Divisional Magistrate, Gandoh.



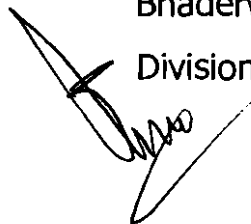
Accordingly, the writ petition is disposed of along with connected MP.”

Whereas, in order to consider the legal notice of the petitioners in terms of Hon'ble Court directions dated **09.11.2017**, the Chief Secretary, J&K chaired meetings on **06.12.2017**, **18.12.2017** and **02.01.2018**, in his office chambers, wherein, the following officers participated:-

- i. Commissioner/Secretary to Government, Revenue Department.
- ii. Divisional Commissioner, Jammu.
- iii. Commissioner/Secretary to Government, General Administration Department.
- iv. Secretary to Government, Department of Law, Justice & Parliamentary Affairs.
- v. Deputy Commissioner, Doda.
- vi. Additional Deputy Commissioner, Doda.

Whereas, the issues raised by the petitioners in the writ petition and legal notice were discussed in detail and the following position emerged:-

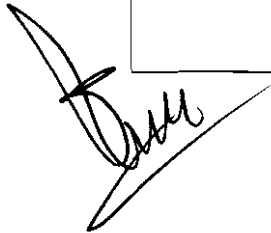
- I. That in terms of Government Order No. 923-CF of 1954 dated **12.07.1954**, District Doda was created/established and Tehsil Bhaderwah merged with it. In the year 1972, Bhaderwah Tehsil was accorded the status of a Sub Division comprising the areas of Bhaderwah, Thathri and



Gandoh. In 1982, two Tehsils namely Gandoh and Thathri were carved out of Bhaderwah, but their administrative control remained under the Sub Division, Bhaderwah. In 2007, the Gondoh Tehsil was accorded the status of a Sub Division and it started functioning w.e.f. **01.04.2007**. However, the Tehsil Thathri remained under the administrative control of Bhaderwah Sub Division.

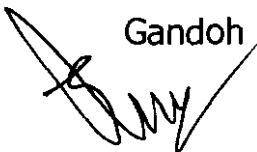
II. That vide Government Order No. Rev(S) 169 of 2014 dated **18.07.2014**, two more Sub Divisions were created in District Doda i.e. Thathri and Assar. Vide Notification SRO 440 dated **21.10.2014**, the jurisdiction of Sub Divisions of District Doda was notified as under:-

S.No.	Name of the Sub Division	Headquartered at	Tehsils included in the Sub Divisions
i.	Bhadarwah (existing)	Bhadarwah	Bhadarwah (existing) Bhalla (new)
ii.	Thathri (new)	Thathri	Thathri (existing) Kahra (new) Phigsoo (new) Chiralla (new)
iii.	Assar (new)	Assar	Assar (new)
iv.	Area under the direct administrative control of Deputy Commissioner, Doda	Doda	Doda (existing) BharathBagla (new) Bhagwa (new) Kastigarh (new) Gundna (new) Mohalla (new) Marmat (new)
v.	Gandoh (existing)	Bhalesa	Gandoh (Bhalesa) (existing) ChilliPingal (new)



- III. That the District Development Board, District Doda in its meeting held in the year 2015, resolved that the post of Sub Divisional Magistrate, Bhaderwah be upgraded as Additional Deputy Commissioner, Bhaderwah, in order to harmonize the working of different administrative units/circles within the Bhaderwah Constituency.
- IV. That accordingly, vide Government Order No. 663-GAD of 2017 dated **25.05.2017**, an Additional Deputy Commissioner was posted in Bhaderwah while taking into consideration that four different offices are already functioning from head quarter Bhaderwah viz *Principal District & Sessions Judge, Bhaderwah, Chief Executive Officer, Tourism Development Authority Bhaderwah, Additional Supdt. of Police, Bhaderwah and Divisional Forest Officer, Bhaderwah.*
- V. That vide Government Order No. 249-Rev of 2017 dated **12.10.2017**, the Additional Deputy Commissioner, Bhaderwah has been empowered to exercise his territorial jurisdiction over the areas comprising Sub Division, Bhaderwah and Sub Division Gandoh.

Whereas, The Deputy Commissioner, Doda was asked to furnish a factual report about the roads connecting Bhaderwah with Gandoh (Bhallessa). The Deputy Commissioner, Doda vide



communication dated **12.12.2017**, has inter-alia informed about the said roads as under:-

There are two roads presently under construction from Bhallessa to Bhaderwah viz:

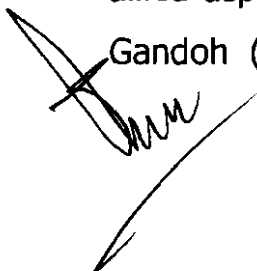
“ I. Gandoh to Bhadarwah via Jia, its length is 61 KMs and balance portion from Kilometer 19 to 33 is under construction.

II. Another road from Gandoh to Bhadarwah via Kahara is also under construction. Its length is 80.5 KMs. The section from Halaran to Jia via Shamdlain is under construction. Both these roads are expected to be completed in near future.

Whereas, during the meeting, it came to fore that at present, the people of Gandoh have to reach Bhaderwah via Doda as there is no direct connectivity between Gandoh and Bhaderwah. Total distance to be covered in this regard is 89.3 Kms (from Gandoh to Doda =66.6 Kms and Doda to Bhaderwah= 22.70Kms); and

Whereas, the road between Gandoh and Bhaderwah via Jai Ghati is under construction, the said road will reduce the distance between Gandoh and Bhaderwah to 61 Kms (*shortest route*). However, the road may not be traffic worthy during extreme winter being located at high altitude; and

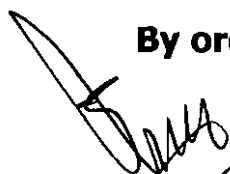
Whereas, keeping in view the overall public interest and allied aspects of the case, it has been contemplated that Sub Division Gandoh (Bhallessa) should be kept with District Headquarter Doda



which is nearer to it than Bhaderwah. The Committee headed by the Chief Secretary, J&K accordingly recommended that the Revenue Department may propose a suitable modification to Government Order No. 249-Rev of 2017 dated **12.10.2017**, to delete the Sub Division Gandoh from the territorial jurisdiction of Additional Deputy Commissioner, Bhaderwah and make it a part of Doda. A final view on delinking or continuation of Gandoh (Bhallessa) with Doda can be taken after the ongoing road project connecting Bhaderwah with Gandoh (Bhallessa) is fully implemented and a year around (all weather road) connectivity becomes available in the form of a fully operational roads. At that point of time in future, the Deputy Commissioner, Doda could set up a Committee which may examine the feasibility of linking the Gandoh with Bhaderwah or continuation of the Gandoh with Doda once a clear picture emerges regarding operationalization of the roads linking Gandoh and Bhaderwah.

Now, therefore, in compliance to the Hon'ble High Court directions dated **09.11.2017**, the words "*and Sub Division Gandoh*" appearing in Government Order No. 249-Rev of 2017 dated **12.10.2017**, are hereby deleted.

By order of the Government of Jammu and Kashmir



No. Rev/Lit/1127/2017

Sd/-

Commissioner/Secretary to Government
Revenue Department
Dated 06.02.2018

Copy to the:-

1. Financial Commissioner, Revenue, J&K, Jammu.
2. Principal Secretary to the Hon'ble Chief Minister.
3. Commissioner, Survey & Land Records, J&K, Jammu.
4. Commissioner/Secretary to Government, General Administration Department.
5. Divisional Commissioner, Jammu.
6. Deputy Commissioner, Doda.
7. Special Secretary to Chief Secretary, J&K.
8. Director Archives, Archeology and Museums, J&K.
9. Additional Deputy Commissioner, Bhandarwah.
10. OSD to the Hon'ble Minister for Revenue.
11. S.S. Ahmed, Ld. Senior Advocate, J&K, High Court, Jammu.
12. Shri Ahsan Mirza, Deputy Advocate General, J&K, High Court, Jammu.
13. Private Secretary to Commissioner/Secretary to Government, Revenue Department.
14. Inhabitants of Sub Division, Gandoh (Bhallessa) District Doda through Reyaz Ahmad Zargar S/o Din Mohd. Zargar R/o Village Kihotran, Tehsil Gandoh(Bhallessa), District Doda.
15. Government Order file/Stock file.
16. Incharge website Revenue Department.

(G.N. Bhat)

Additional Secretary (Legal)
Revenue Department