

**Government of Jammu and Kashmir,
Revenue Department, Civil Secretariat, Jammu**

Subject: PIL No.19/2011 and other connected matters titled Professor S.K. Bhalla v/s State of J&K and Ors.

Reference: Government Order No 2720-JK (LD) of 2020 Dated 31.10.2020 from Department of Law, Justice & Parliamentary Affairs.

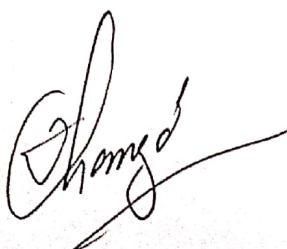
Government Order No:105 JK(Rev) of 2020

Dated : 02-11-2020

- I. Whereas, the Hon'ble High Court of J&K in their judgement dated 09.10.2020 in PIL No.19/2011 has held that the Jammu and Kashmir State Land (Vesting of Ownership to the Occupants) Rules, 2007 are not in consonance with the statutory provisions and directed that the State land under encroachment must be retrieved in accordance with the Law; and
- II. Whereas, the matter has been examined by the Department of Law, Justice & Parliamentary Affairs of the J&K UT and vide Government Order No 2720-JK (LD) of 2020 dated 31-10-2020 has issued following directions to the Principal Secretary Revenue and Divisional Commissioners of Jammu as well as Kashmir to implement the directions of the Hon'ble High Court pronounced on 09-10-2020 in the PIL No.19/2011 and other connected matters in the Court Case titled 'Professor S.K. Bhalla v/s State of J&K and Ors.' :-
1. *Principal Secretary to Government, Revenue Department shall pass an order declaring all actions taken under the Jammu and Kashmir State Land (Vesting of Ownership to the Occupants) Act, 2001 as amended from time to time, and rules made there under as void ab-initio. He shall ensure that all the mutations done in furtherance of said Act are annulled.*
 2. *Principal Secretary to Government, Revenue Department shall also work out a plan to retrieve the large tracts of State Land vested under the Jammu and Kashmir State Land (Vesting of Ownership to the Occupants) Act, 2001 in a time bound manner.*
 3. *Principal Secretary to Government, Revenue Department shall also work out the modalities and plan to evict encroachers from such State Land and retrieve the State Land within a period of six months.*
 4. *Principal Secretary to Government, Revenue Department shall work out modalities for handling the money received for these lands after annulment.*
 5. *Principal Secretary to Government, Revenue Department shall ensure that following information regarding district wise state land as on 1st January 2001 are complied and posted on the official website as well as NIC Website:-*
 - (i) *The details of the State land which was in illegal and unauthorized occupation of person(s)/entities with full identity of encroachers and particulars of the land.*

(ii) *The details of :*

(a) *The applications received under the Roshni Act, 2001;*



- (b) The valuation of the land;
 - (c) The amounts paid by the beneficiary;
 - (d) The orders passed under the Roshni Act; and
 - (e) The persons in whose favour the vesting was done and also further transfers, if any, recognized and accepted by the authorities.
- (iii) Complete identities of all influential persons (including ministers, legislators, bureaucrats, Government officials, police officers, businessmen etc.) their relatives or persons holding benami for them, who have derived benefit under the Roshni Act, 2001/Roshni Rules 2007 and/or occupy State lands.

The said action shall be completed within a period of one month.

6. *The Divisional Commissioners Jammu as well as Kashmir, shall place on record before the Hon'ble High Court District-wise full details of the encroached State land not covered by the Roshni Act, Rules, Scheme(s), order(s), which continue to be under the illegal occupation; the full identity and particulars of the land and person(s)/entities encroaching the same. The Revenue Secretary shall ensure that this information is also posted on the website.*

The action taken in the aforesaid matter shall be shared by the Revenue Department with the General Administration Department on a weekly basis."

III. Now, therefore, in pursuance these directions of the Government, it is hereby ordered that :

1. All the actions taken under the Jammu and Kashmir State Land (Vesting of Ownership to the occupants) Act, 2001 as amended from time to time and rules made there under are declared void *ab-initio*.
2. All the mutations attested / done in furtherance of the said Act are hereby annulled and the involved land is deemed to have escheated to the State / Government. The respective Tehsildars shall pass detailed orders in light of the directions of the Hon'ble High Court and make necessary entries in the Revenue records to give effect to the directions passed by the Hon'ble High Court.
3. This escheated State land shall be retrieved by the respective Tehsildars. The large tracts of State land shall be retrieved in the first instance, followed by retrieval of small patches and all the land.
4. The whole exercise as at sub-para 2 & 3 above be completed within a period of 06 months from the date of the order of the Hon'ble High Court i.e. 09-10-2020.
5. The Divisional Commissioners of Jammu as well as Kashmir shall furnish information sought as at sub para 5 of para II to the Administrative Department (Principal Secretary, Revenue) by 30-11-2020 for posting on the official website of the Revenue Department as well as the NIC website.
6. The Divisional Commissioners of Jammu as well as Kashmir shall constitute a dedicated cell in their offices and monitor the progress of the action taken in pursuance to the Government Order No. 2720-JK (LD) of 2020 dated 31-10-2020 on weekly basis and ensure the requisite data is furnished to the Hon'ble High Court, CBI and Administrative Department as per the

time lines fixed without any fail. They shall also furnish a consolidated report of the 'action taken' on each Saturday for its onwards submission to the General Administration Department.

By order of the Government of Jammu and Kashmir.

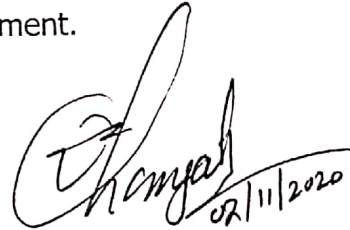
Sd/-
(Dr. Pawan Kotwal) IAS,
Principal Secretary to the Government,

Dated: 02.11.2020

No: Rev/S/OWP/19/2011-(PF) II

Copy to the:-

1. Learned Advocate General, J&K.
2. Financial Commissioner, Revenue J&K, Jammu.
3. All Administrative Secretaries.
4. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
5. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
6. Commissioner/Secretary to Government, General Administration Department.
7. Divisional Commissioner Jammu/Kashmir.
8. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
9. Registrar General, J&K High Court.
10. All Deputy Commissioners.
11. Private Secretary to Chief Secretary, J&K.
12. Private Secretary to Principal Secretary to Government, Revenue Department.
13. Government order file/Stock file.
14. I/C Website Revenue Department.



(D.P. Sharma)

Under Secretary to the Government,