

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

Subject: OWP No. 1303/2015 titled Mohan Singh V/s State of J&K and others

**Government order No: 59 JK(Rev) of 2022  
Dated 6 - 09 - 2022**

Whereas, vide Government Order No. Rev(NDJ) 380 of 1971 dated 01-09-1971, the land measuring 3 marla 45 sft falling under khasra No. 254 min situated at Revenue village Jammu Khas was leased out in favour of Sh Mohan Singh S/o Badri Nath for a period of 40 years and use of land is for compound; and

Whereas, vide Government Order No. Rev(NDJ) 44 of 1992 dated 09-04-1992 the said land was resumed from the lessee due to violation of lease deed as the land was found in the possession of one Sh Shiv Ram S/o Ditta Ram; and

Whereas, the petitioner Sh Mohan Singh aggrieved with this order, file the petition in the Hon'ble High Court by way of OWP NO:375/1999 titled Mohan Singh v/s State and the Hon'ble High Court vide order dated 04-02-2000 disposed of the case. The operative part of the order is as under:

"The petition is disposed of with the direction that the officer who is now holding the office in the capacity of Under Secretary to Government, Revenue Department, would afford opportunity of hearing to the petitioner and pass fresh order in accordance with the law. Till then the petitioner would not be dispossessed. This is however, subject to the condition that a copy of the order passed by this Court today is made available to the concerned officer within a period of eight weeks from today. A copy of this order would also be made available to the counsel who has put in appearance on behalf of State. In case, this is not done, then the interim direction contained in this order shall stand vacated automatically."

Whereas, the petitioner has again filed the writ petition No.1303/2009 titled Mohan Singh V/s State & another before the Hon'ble High Court, J&K, Jammu and seeking implementation of the Order dated: 04.02.2000; and

Whereas, the matter has been examined in the department and the same was referred to the Assistant Commissioner (Nazool), Jammu vide letter No.Rev (Lit) 384/2021/81710 dated 09.12.2021 for furnishing a detailed report in the matter, who vide letter No.TNJ/2021-22/12 dated: 12.01.2022 has reported that the said lessee has failed to use the land for the purpose it was leased to him and now the said land was in un-authorized occupation of one Shiv Ram S/o Delu Ram; and

Whereas, in compliance to the orders of the Hon'ble High Court, the Government vide Govt. order No. 45-JK(Rev) of 2022 dated 11-03-2022 appointed Mr. Surjeet Singh, Under Secretary to the Government Revenue Department as Inquiry Officer in the matter; and

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Whereas, Inquiry Officer vide No. Rev/Lit/348/2021(81710) dated 22-07-2022 has submitted his report. As per the report of the Inquiry Officer he has submitted that he issued notice to the petitioner as well as Assistant Commissioner, Nazool Jammu on 09-12-2021 and 16-12-2021 to appear before him. Accordingly, one Smt. Pushpa Devi w/o Om Parkash R/o Mohalla Ragunathpora Tehsil and District Jammu came up with the representation dated 30-12-2021 and informed that she is supposed to be Attorney holder of Shri Mohan Singh as he has sold the subject land to her on 30-09-1998; and

Whereas, the representative of Assistant Commissioner, Nazool Jammu has informed that they visited the spot and found that entire patch of land is lying vacant on spot in shape of Banjar Qadeem. A khokha (Hut) is constructed thereon which is not use of any one. On spot visit it also observed that the land in question is neither being used for residential nor compound purpose; and

Whereas, it is evident that the original lessee Sh Mohan Singh S/o Badri Nath had not sought any permission from the Government, with regard to the transfer of land on the basis of Power of Attorney, as such, his act is void ab-initio. Under rule 7(k), it provides that the breach of any of the condition mention in clause (c) will make the lease to be determined; and

Whereas, under rule 7 of J&K Land Grants Rules regarding condition of lease , sub-rule (c) provides that the lessee shall not in any way transfer the land or building thereon without the previous sanction in writing of the Government or such officer as may be authorized by the Government in this behalf.

Now, therefore, the case of the applicant in terms of Hon'ble High Court order dated 04-02-2000 has been considered and on the basis of the inquiry report, it has been found that the lessee has breached the terms and conditions of Land Grant Rules. As such, the claim of the applicant is devoid of any merit and hence rejected.

**By Order of the Government Of Jammu and Kashmir**

**Sd/-**

(Vijay Kumar Budhari)IAS

**Commissioner/Secretary to the Government**

No: Rev/Lit/348/2021/(81710)

Dated: 06 09-2022

Copy to the:-

1. Financial Commissioner Revenue J&K
2. Addl. Secretary (JKL) Ministry of Home Affairs, Government of India.
3. Divisional Commissioner Jammu
4. Deputy commissioner Jammu
5. Shri S.S Nanda Senior Additional Advocate General
6. Assistant Commissioner Nazool, Jammu
7. Tehsildar Nazool Jammu
8. Incharge Website Revenue Department
9. Government Order file.

(Mushtaq Ahmed)

**Under Secretary to the Government**