

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

WP (C) No. 875/2020
CM No. 2114/2020

Ganesh Dass

.... Petitioner(s)

Through:- Mr. C. M. Gupta, Advocate

V/s

Union Territory of J&K and
others

.....Respondent(s)

Through:-

Coram : **HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE**

ORDER

01. The petitioner through the medium of this petition seeks a writ of mandamus directing respondent Nos. 1 to 3 not to allow respondent No. 4 to occupy the land or raise any construction on land bearing khasra no. 221 situated at Chak Parotan, Tehsil Hiranagar, District Kathua belonging to Mani Ram and others as owners of the same which falls within the ambit of Panchayat Halqa Chak, Poana.

02. The case of the petitioner is that respondent No. 4 is self-styling himself as Sarpanch of Panchayat Chakra though the same does not figure in village Chakra and forms part of Panchayat Halqa, Chak Poana, Tehsil Hiranagar, District Kathua. By exercising undue influence and taking benefit of false entry in the revenue record, wherein Chakra is mentioned as Panchayat, respondent No. 4 is forcibly raising construction on the land owned by inhabitants of Chak Protan, which falls in Panchayat Halqa, Chak Poana. Thus, a direction is sought restraining him from occupying the land or raising construction in the disputed land.

03. The petitioner has raised disputed question of facts which cannot be adjudicated in the present proceedings. These facts as alleged by the petitioner need to be established before the civil Court, therefore, the remedy for the petitioner lies to establish his rights before the civil Court.

04. In view of the aforesaid, this petition is **dismissed** alongwith CM and the petitioner is at liberty to avail remedy as provided under law.

(Sindhu Sharma)
Judge

JAMMU
17.03.2020
SUNIL-II

- (i) Whether the order is reportable? Yes/No
- (ii) Whether the order is speaking? Yes/No

