

Sub:- **Eviction of Unlawful encroachments from State/ Kahcharie/ Common / Forest Land.**

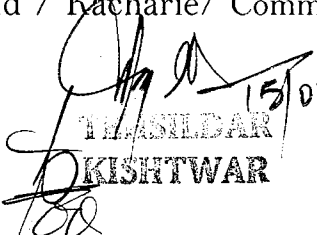
- Ref:-
1. Hon'ble Supreme Court Order/Judgment Dated: - 28.01.2011, passed in Civil Appeal No:- 1132/2011 titled Jagpal Singh VS State of Punjab and others.
 2. Orders issued by the Hon'ble High Court of J&K in PIL No. 19/2011 titled SK Bhalla VS State of J&K and others.
 3. Circular Instructions issued by Worthy Financial Commissioner Revenue J & K Jammu vide No/FC-LS/Misc-3744/2010 dated 09-12-2010.
 4. Govt. Order NO;- Rev/Lit/218 of 2011 dated;- 28.11.2011
 5. Order dated 21-01-2014 in file No. 203/FC-AP issued by Worthy Financial Commissioner (Rev) J & K in case Titled Vijay Kumar Vs Deputy Commissioner Jammu and others.
 6. Judgment dated 10-03-2015 in file No. 250/FC-AP passed by Worthy Financial Commissioner (Rev) J & K in case Titled Hasan Mohammed and others Vs State and others.
 7. Govt. Order No. 135-Rev (NDK of 2015 Dated 25-08-2015 issued by Govt. of J & K Civil Sectt. Revenue Department.
 8. Circular instructions issued by Worthy Divisional Commissioner Jammu vide No; - 601/RA/WPIL-19/2011/719-31 dated:- 17.11.2015.
 9. Directions issued by worthy Deputy Commissioner Kishtwar.
 10. Wireless message No. DCK/SQ/726-42/19 dated 12-02-2020.

ORDER

1. Whereas, Hon'ble Supreme Court vide Order/Judgment dated:- 28.01.2011, passed in Civil Appeal No:- 1132/2011 titled Jagpal Singh VS State of Punjab and others directed All the State Governments in the country for eviction of illegal/unauthorized occupants of the Gram Sabha/Gram Panchayat/Paramboke/Shamlat land and restoration of the same to its original status.
2. Whereas, the Hon'ble High Court of J&K in PIL No:- 119/2011 titled S.K. Bhalla Vs State of J&K and others directed the Revenue Department to remove all the encroachments on State/ Kahcharie /Common Land and submit compliance in this regard.
3. Whereas, vide Circular Instructions issued by Worthy Financial Commissioner Revenue J & K Jammu vide No/FC-LS/Misc-3744/2010 dated 09-12-2010, the Govt. has even restrained acquisition of Kahcharie lands for any purposes of public utility.

As per law, Kahcharie Land is the State Land which is reserved as village Common Land for grazing purposes. It is the responsibility of Govt. to see to it the land reserved from grazing purpose is not permitted to wasted or utilized in contravention to law. In case a person has encroached upon any land then he is liable to eviction. Where the entry in records about the land is "Mehfooz Kacharie", it means that land is used as protected grazing land of the villagers. Kahcharie Land is property of government, and is meant for grazing purposes, therefore, no individual has personal interest over it.

4. Whereas, Govt. order No:- Rev/Lit/2018 of 2011 dated:- 28.11.2011 issued by Govt. of J&K Civil Secretariat Revenue Department also provides for removal of encroachment on Common Land, Non-Partible Shamlat Lands, Kacharie lands, and Lands meant for Path ways, Ponds, Storing Grains, Water Bodies, Passages, Cremation Grounds, and other common use of the people of the villages.
5. Whereas, vide Order dated 21-01-2014 in file No. 203/FC-AP issued by Worthy Financial Commissioner (Rev) J & K in case Titled Vijay Kumar Vs Deputy Commissioner Jammu and others, it is held that the opportunity of being heard , making enquiry, issuance of notices are not relevant because the land in question is state land, not a proprietary one . The state alone has exclusive ownership rights over such lands. Therefore, there is no need to put the illegal occupants of state land to any kind of notices etc and instead they are required to be evicted without wasting any time.
6. Whereas, vide Judgment dated 10-03-2015 in file No. 250/FC-AP passed by Worthy Financial Commissioner (Rev) J & K in case Titled Hasan Mohammed and others Vs State and others, it is held that **the Govt. is an owner of big chunks of lands scattered throughout the state and it is everyone's duty to respect and protect the properties belonging to the state, more so when it is a forest. If a person comes and encroaches on Govt. land, he should be evicted there from as soon as it comes to the notice of public authorities irrespective of any entry made in the records.**
The law (esp. Sec. 133 (2) (c) of the Land Revenue Act, 1996 (1339 A.D), is very clear regarding encroachments on State Land. Thus, no public functionary is authorized to make entries in respect of these lands. It is, again, made clear that any entries made on State Land in favour of an illegal encroacher are to be treated as null and void- ab-initio.
7. Whereas, vide Govt. Order No:- 135-Rev of 2015 dated:- 25.08.2015, the Government issued directions for eviction of un-authorized occupants from State/Common land.
8. Whereas, Divisional Commissioner Jammu vide Circular Instructions No:- 601/RA/WPPIL-19/2011/719-31 dated:- 17.11.2015, also issued instructions regarding removal of encroachments on State/Kahcharai/Common Land .
9. Whereas, Directions have been issued by Deputy Commissioner Kishtwar from time to time to ensure eviction of illegal occupants of State land / Kacharie/ Common land / Forest land.


15/02/2020
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10. Whereas, vide Wireless Message No:- DCK/SQ/726-42/19 Dated 12-02-2020, directions have been issued for eviction of the balance encroached State /Kahcharaie/Common/ Forest land.


11. Whereas, under section 133 of Land Revenue Act, 1996, a Revenue Officer of the rank of Assistant Collector of 1st Class (Tehsildar) is empowered to remove the encroachments form State/Common/Kacharie/Forest land etc.

Therefore, in compliance to the Hon'ble Supreme Court & Hon'ble High Court Order/Judgment and directions respt., Government Orders/Circulars issued from time to time as cited in references mentioned supra, wherein, strict directions have been issued for eviction of all illegal/unauthorized occupants from State/Common/Kacharie/Forest Land etc. and as per section 133 of Land Revenue Act, it is hereby ordered that all the illegal/unauthorized entries /occupants be deleted/ evicted from illegal encroachments on State /Common/Kacharie/Forest Land and the status of the land be restored to its original/ lawful status.

All the Patwaries of Tehsil Kishtwar are directed to make "**amaldaramad**" of this Order with red ink in Jamabandi and Khasra Girdawari and furnish copy to this office after compliance.

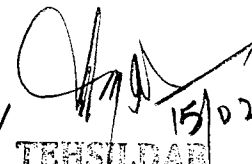
No:- 1685-1708/OQ/Gen.

Dated: - 15-02-2020


15/02/2020
TEHSILDAR
KISHTWAR
Tehsildar,
Assistant Collector 1st Class,
Kishtwar.

Copy to the:-

1. Deputy Commissioner Kishtwar for favour of information please.
2. Additional District Development Commissioner Kishtwar for favour of information please.
3. Additional Deputy Commissioner Kishtwar for favour of information please.
4. Assistant Commissioner (Revenue) Kishtwar for favour of information please.
5. Naib Tehsildar Kishtwar/Karool/Trigam/Dool/Cherji/Palmar/Pakalan and Keshwan for information and with the directions to insure compliance of this order and restore the record to its original/lawful status and seek compliance after proper remarks (Kafiat) are entered in record by Patwaries concerned.
6. GQ _____ concerned for similar necessary action.
7. Patwari Halqa Kishtwar/ Pochhal/ Matta/ Karool/ Trigam/ Dool/ Palmar /Fellar/ Pakalan / Keshwan for immediate compliance.
8. Office Record/OQ Section


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