

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM No. 4457/2022 in
WP(C) No. 1809/2022
CM No. 4458/2022

Inhabitants of village Andergam Pattan and Ors.

...Petitioner(s)

Through: Mr. Syed Awais Geelani, Adv, Mr. Nisar Akbar, Adv.

Vs.

UT of JK and Ors.

Through:

CORAM:

HON'BLE MR JUSTICE SANJEEV KUMAR, JUDGE

ORDER

24.08.2022

CM No. 4457/2022

This is an application by three persons by the name of Ghulam Nabi Khan, Mohammad Ramzan Dar and Mohammad Nayeem Malik, claiming to be representatives of inhabitants of village Andergam Pattan District Baramulla. The grievance of the petitioners is that there is a school by the name of '*Sheikh-ul-Alam English Medium Model School Andergam Pattan*,' which was established in the year 1995, running in the village. The children of the village are taking their education in the said school. However, the respondents 3 and 4 are not allowing the management of the school to run the said school in the existing building on the ground that the same is situated on the land belonging to '*Government High School Andergam*'.

The application for the reasons stated therein is allowed and the petitioners are permitted to file the writ petition in representative capacity.

CM is, accordingly, disposed of.

WP(C) No. 1809/2022

Notice to the respondents as also to the public at large to be published in two daily newspapers having large circulation in the concerned district.

The petitioners shall take requisite steps for service of respondents and deposit the requisite publication expenses before the Registry within two weeks.

List again on 7th November, 2022.

In the meanwhile, subject to objections and till next date of hearing before the Bench, the Deputy Commissioner, Baramulla, is directed to constitute a team of revenue officers headed by revenue officer not below the rank of Assistant Commissioner, Revenue, to conduct the demarcation of the land to find out as to whether the land belonging to Government High School Andergam Pattan is encroached upon by Sheikh-ul-Alam English Medium Model School Andergam Pattan or not. The management of the school shall be associated in the process of demarcation and given an opportunity of being heard. In case the revenue team finds that there is some encroachment made by the private persons including the private school in question on the land belonging to Government High School Andergam Pattan, an appropriate action to get the encroached land vacated shall be taken. Let a detailed report in this regard be submitted to this Court on the next date of hearing. Till the aforesaid exercise is conducted and report submitted to this Court, the private institution i.e., Sheikh-ul-Alam English Medium Model School Andergam Pattan, if otherwise, is running in accordance with law, shall be permitted to run.

(SANJEEV KUMAR)
JUDGE

SRINAGAR

24.08.2022

"Shamim Dar"