

**Sr.No. 91****HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU****OWP No. 276/2019**

CM No. 1423/2019 (01/2019)

Reserved on:- 19.02.2026
Pronounced on:03.03.2026
Uploaded on:- 03.03.2026*Whether the operative part or
full judgment is pronounced: Full*

- 1. Omesh Singh**
S/O Late Baghela Ram
R/O Khudmulla, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban
- 2. Harnam Singh**
S/O Late Dharam Singh
R/O Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban
- 3. Madan Lal (Ex-panch)**
S/O Late Bhagat Ram
R/O Oglin, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban
- 4. Romal Singh (Ex-Naib Sarpanch)**
S/O Late Ram Bhaj
R/O Dardanbat, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban
- 5. Sewa Singh (Ex-Panch)**
S/O Late Sarwan Singh
R/O Dharni, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban
- 6. Balwan Singh (Ex-Panch)**
S/O Lakhu Ram
R/O Batroo, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban
- 7. Chain Singh (Ex-Panch)**
S/O Sham Singh
R/O Silli, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban
- 8. Tirath Singh (Ex-Panch)**
S/O Late Hoshiyar Singh
R/O Kawalin, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban

**9. Rano Devi (Ex-Naib Sarpanch)**

W/O Tirath Singh
R/O Ahma, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban

10. Amar Singh (Ex-Sarpanch)

S/O Late Jodh Singh
R/O Karwalin, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban

11. Kulvir Singh S/O Late Janak Singh

R/O Batroo, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban

12. Tirath Singh S/O Late Ram Bhaj

R/O Dardanbal, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban

13. Jaswant Singh S/O Dewan Singh

R/O Sirlan, Village Dhanmasta,
Teshil Pogul Paristan (Ukhral)
District Ramban

....Petitioners

Through :- Mr. RKS Thakur, Advocate.
Ms. Anandita Thakur, Advocate.

Versus

1. State (now UT) of Jammu & Kashmir

through Principal Secretary, Revenue,
J&K Government, Civil Sectt., Jammu.

2. Commissioner-cum-Secretary,

Revenue Department, Civil Sectt. Jammu.

3. Financial Commissioner (Revenue),

J&K Government, Panama Chowk,
Jammu.

4. Deputy Commissioner, Ramban.**5. Tehsildar, Pogal Paristan (Ukhral)****6. Tehsildar, Ramsoo.**

....Respondent(s)

Through :- Ms. Nazia Fazal, Adv vice
Mrs. Monika Kohli, Sr. AAG.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE**JUDGMENT**

1. The petitioners, through the medium of this petition under Article 226 of the Constitution of India read with Section 103 of the Constitution of Jammu and Kashmir, seek quashing of Government Order No.155-Rev (S) of 2018 dated 30.08.2018 ('impugned order' for short), insofar as the said order



directs inclusion of Revenue Village Dhanmasta, presently forming part of Tehsil Pogal Paristan with headquarters at Ukhral, into Niabat Neel and Tehsil Ramssoo, the impugned action, alleging as being unconstitutional, illegal, arbitrary, unreasonable, and without jurisdiction and to restrain the respondents from treating Village Dhanmasta as part of Niabat Neel of Tehsil Ramssoo and from shifting any revenue or official record relating to the said village from Niabat Ukhral, Tehsil Pogal Paristan to Patwar Halqa Neel, Niabat Neel, of Tehsil Ramssoo.

2. It is submitted that Revenue Village Dhanmasta comprises several hamlets/mohras, namely, Dhanmasta, Silli, Batroo, Dharni, Oglin, Dardanbat, Ahma, Kawalin, Khudmulla, Tajnihal, Rounigam, Kharwan and Dhak. It is further submitted that Niabat Ramssoo consists of one Patwar Halqa, namely Sarbagni, comprising of five villages, namely Ramssoo, Sujmatna, Khowra, Sarbagni, and Chaka, whereas Niabat, Ukhral (Khass), consists of one Patwar Halga Panchal with four revenue villages, namely Ukhral, Panchal, Phagmulla, and Dhanmasta.

3. Petitioners contend that previously their Village Dhanmasta formed part of Tehsil Banihal, District Ramban, however, subsequently, the respondents ordered creation of 56 new Sub-Divisions and 139 new Tehsils, including Tehsil Pogal Paristan with headquarters at Ukhral, by corresponding reduction of 35 Agrarian and 10 Settlement Tehsils and 301 Niabats including Niabat Senabathi Paristan, vide Government Order No. Rev (S) 169 of 2014 dated 18.07.2014. According to the petitioners, the aforesaid Government Order was merely in the nature of a proposal and required statutory sanction through issuance of a notification in the form of an SRO under Section 5 of



the Land Revenue Act, 1996. As such, Govt. of J&K issued Notification (SRO 443) dated 21.10.2014, whereby administrative units were reorganized by creating new units and altering the jurisdiction of existing units; that as per this notification, petitioners' village Dhanmasta was included in newly created Tehsil Pogal Paristan with its headquarters at Ukhral.

4. The petitioners contend that vide impugned Government Order, their village was ordered to be included into Patwar Halqa and Niabat Neel of Tehsil Ramsoo without jurisdiction, there being no provision under the Land Revenue Act enabling issuance of such directions contrary to an already notified statutory reorganization. It is also their case that geographically and administratively Village Dhanmasta is naturally aligned with Tehsil Pogal Paristan headquartered at Ukhral. It is asserted that inclusion of the village within the jurisdiction of Tehsil Ramsoo and Niabat Neel, would cause serious inconvenience to the inhabitants. In this regard, reliance is placed on distance certificates issued by the Public Works Department showing that the distance between Mohra Batroo and Ukhral is approximately 3 kilometers, whereas the distance to Ramsoo is about 7 kilometers. It is further reported that several hamlets of Village Dhanmasta lack road connectivity and the inhabitants have to first descend on foot to Mohra Batroo before accessing motorable road to reach Tehsil Headquarters at Ramsoo.

5. The petitioners further assert that for many hamlets, the effective travel distance to Ukhral is significantly shorter than that to Ramsoo or Neel. They also state that access to revenue officials, including the Patwari, Girdawar, and Naib Tehsildar, is more convenient, within Tehsil Pogal Paristan than at Ramsoo. According to them, the situation is aggravated during



winter months when the area remains snow-bound and fair-weather roads frequently become inaccessible due to landslides. On these grounds, the petitioners maintain that the impugned order dated results in avoidable hardship to the inhabitants of Village Dhanmasta.

6. Pursuant to notices, the official respondents have filed objections to the petition in which it is stated that that during the process of creation and reorganization of administrative units in the erstwhile State, Revenue Village Dhanmasta was placed within the territorial jurisdiction of the newly created Tehsil Pogal Paristan with headquarters at Ukhral, forming part of the existing Niabat Ukhral, vide Government Order No. Rev (S)-169 of 2014. The said arrangement was subsequently formalised by issuance of notification under Section 5 of the Land Revenue Act, Svt. 1996, namely, SRO 443 of 2014. Niabat Ramssoo (existing) was also made part of Tehsil Pogal Paristan.

7. Respondents further contend that vide Government Order No. 576-GAD of 2014 dated 03.06.2014, the Government constituted an Expert Committee under the Chairmanship of the then Financial Commissioner, Industries and Commerce Department, to examine the feasibility and demands for creation of additional administrative units in the left-out areas. On the recommendations of the Expert Committee and pursuant to Cabinet Decision dated 16.10.2014, Government Order No. Rev (S)-242 of 2014 dated 21.10.2014 was issued, whereby sanction was accorded for creation of additional administrative units including several Sub-Divisions, Tehsils and Niabats. As part of the said exercise, two new Tehsils, namely Ramssoo and Thatharka, were created in District Ramban. It is stated that the said Government order was kept in abeyance vide Govt. Order No. Rev(S)-42 of



2018 dated 20.02.2018, except in respect of Tehsil created at Villagam and Qalamabad in District Kupwara, Tehsils Sinhpora and Narwav in Distr; District Baramulla, Tehsil Bhella in District Doda and Tehsil Ramsu in District Ramban.

8. It is next pleaded by the respondents, that vide Communication No, Rev/S/183/06/-II dated 09.02.2015, Deputy Commissioner Ramban, was requested to furnish the proposal with regard to the proposed geographical boundaries/territorial jurisdiction of the New Administrative Unit (Tehsil Ramsu). The Deputy Commissioner, Ramban vide communication No.DCR/S8/55560 dated 18.07.2018 submitted the proposal for geographical boundaries/territorial jurisdiction of the newly created units and on the recommendation of the proposed jurisdiction/geographical limits, the territorial jurisdiction of Tehsil Ramsu was defined vide impugned Govt. Order No. Rev(S)-155 of 2018. Thereafter, the jurisdiction proposed by G.O.Rev 169 Rev(S) of 2014 formalized through SRO 443 of 2014 was improved upon in view of administrative considerations through which Tehsil Ramsu came into existence, vide Government Order No. Rev(S)-242 of 2014 dated 21.10.2014. It is stated that since a new Tehsil was carved out, at Ramsu, therefore, Dhanmasta was to be appropriately placed, as per administrative consideration, and it was found that Tehsil Ramsu was more appropriately placed to include Dhanmasta than Tehsil Pogal Paristan (Ukhral). It is further stated that the notification issued vide SRO 443 dated 21.10.2014, in pursuance to Government Order No. Rev(S)-169 of 2014 was superseded by the arrangement made vide Government Order No. Rev-242(S) of 2014 dated 21.10.2014, issued pursuant to the cabinet decision.



9. Lastly, it is contended by the respondents in the objections, that the petitioners have no case at all and are not entitled to the reliefs claimed in the instant petition, as the impugned order has been issued after proper application of mind to the fact and circumstances and is not illegal in any manner. It is further stated that impugned order is in conformity with laws and no violation of Provisions of Jammu & Kashmir Land Revenue Act, has been committed by the respondents.

10. Learned counsel for the petitioners argued that the petitioners' village Dhanmasta has been segregated from the earlier administrative unit of Patwar Halqa Panchal and Naibat Senapati Paristan of Tehsil Pogal Paristan (Ukhral) to be included in Niabat Neel and Tehsil Ramssoo, vide impugned Order dated 30.08.2018, whereas, as per the earlier Government Order No.REV(S)/169 of 2014 dated 18.07.2014 petitioners' village Dhanmasta was made part of Niabat Senabati Paristan of Tehsil Pogal Paristan (Ukral) of Sub Division Ramssoo which was confirmed vide SRO 443 of 2014 dated 21.10.2014. He argued that the exclusion of petitioners' village Dhanmasta from Patwar Halqa Panchal, Niabat Ukral Khas and Tehsil Pogui Paristan (Ukral) vide impugned order to Niabat Neel and Tehsil Ramssoo, putting the residents to great disadvantage in availing the public facilities through Tehsil Ukral which was geographically more closer and accessible from the petitioners' village as compared to the new units distance wise as well as the accessibility and prayed that the petition be allowed and the impugned Govt. order be quashed with a direction to the respondents to continue village Dhanmasta to be part of Patwar Halqa Panchal, Niabat Ukral Khas and Tehsil Pogul Paristan (Ukral). In support of his contentions, he has relied upon



judgment on the subject passed by Hon'ble Division Bench of this Court, in a case '*Haji Mohd. Ishaq & Ors. V. State of J&K & Ors.*' reported as **2009 SLJ 1**.

11. Learned counsel for the respondents, on the other hand, argued that setting up of the administrative units or altering their territorial limits is a prerogative of the executive and such decisions being policy decisions, this court has no jurisdiction to interfere with such administrative decisions. She further argued that the impugned order has been passed by the Government after taking into view all aspects of the matter including convenience and justification of the setting up of a Tehsil at Ramsoo. She has placed reliance on the judgment passed by Apex Court in '*Union of India V. Kannadapara Sanghatanegala Okkuta & Kannadigara*' reported as **(2002) 10 SCC 226** and prayed that the petition being misconceived be dismissed as a policy decision taken by the Government in the interest of administration having regard to the convenience of the local population, vide impugned order, does not call for any interference, at the end of this court.

12. Heard, perused the file and considered the matter.

13. The Govt. of Jammu & Kashmir is empowered under Section 5 of the Land Revenue Act, Svt. 1996 to issue or alter the limits of administrative units of tehsils, districts and provinces. Thus, the territorial limits of the existing tehsils having already been divided and defined, could be altered by issuing a notification by the competent authority only which is permissible to be issued in the form of an SRO and the Govt. of Jammu & Kashmir vide SRO 443 of 2014 dated 21.10.2014 had already set up a Tehsil unit at Pogul Paristan (Ukral) and the petitioners' village was included in the limits of that



Tehsil. Thereafter, vide the impugned administrative/government order passed by the Govt. of Jammu & Kashmir through Commissioner/Secretary to Govt. Revenue Department, ordered exclusion of the petitioners' village from Tehsil Ukhral. The Govt. order cannot super cede a statutory notification issued in the form of SRO. Even on perusal of the impugned order, the same has also been subjected to the issuance of a formal notification under Section 5 of the Land Revenue Act, Svt. 1996.

14. The petitioners have pleaded the difficulties faced by the public of village Dhanmasta in view of topographical and geographical location of the area from where the distance as compared to the Ukhral headquarter of 'Tehsil Pogul Paristan on comparison was less than the distance to Tehsil headquarter at Ramssoo. It has been further pleaded that people will have to undertake a journey mostly on foot, firstly, going to the Ukhral headquarter of Pogul Paristan Tehsil and then to proceed by road to Ramssoo which is at a distance of more than 15 kms and that in all fairness it is in the interest of inhabitants of village Dhanmasta that their village continues to be included in Tehsil Pogul Paristan instead of Ramssoo, as has been ordered vide impugned order so that the inhabitants may avail the public facilities extended from the Tehsil office conveniently, nearer to their village.

15. It is brought on record that SRO 443 dated 21.10.2014 came to be issued in exercise of powers conferred under Section 5 of the Land Revenue Act, Svt. 1996, whereby several administrative units in District Ramban were altered and reorganized. By virtue of the said notification, three Sub-Divisions, namely Ramssoo, Banihal and Gool, were created. Further, five new Tehsils, namely (i) Khari, (ii) Rajgarh, (iii) Batote, (iv) Gool and (v) Pogal



Paristan with headquarters at Ukhral, were constituted. In addition, twelve new Niabats were created, namely (i) Indh, (ii) Neel, (iii) Chanderkote, (iv) Gundi Dharam, (v) Tethar, (vi) Senabathi Paristan, (vii) Balihote, (viii) Sanasar, (ix) Gandhri, (x) Mahu Mangat, (xi) Rajgarh and (xii) Sangaldan, as reflected in the said notification. It emerges from the record that by virtue of SRO 443 dated 21.10.2014, issued in exercise of powers under Section 5 of the Land Revenue Act, Svt. 1996, Tehsil Pogal Paristan with headquarters at Ukhral came to be newly constituted. In terms of the said notification, three Niabats, namely Ramssoo (existing), Ukhral (Khas) (existing), and Senabathi Paristan (new), were made part of the said Tehsil.

16. It is further bore out that revenue villages Ukhral, Panchal, Phagmulla and Dhanmasta, were included in Patwar Halqa Panchal. Thus, as per SRO 443 dated 21.10.2014, Village Dhanmasta stood included in Tehsil Pogal Parisian, Niabat Ukhral (Khas), and Patwar Halqa Panchal. The said notification was duly published in the Government Gazette and implemented, with the aforesaid villages, including Dhanmasta, becoming part of Tehsil Pogal Paristan. The record further indicates that the Government, in exercise of statutory powers under Section 5 of the Land Revenue Act, had reorganized the revenue units of District Ramban. Subsequently, Government Order No. 155-Rev (S) of 2018 dated 30.08.2018 came to be issued directing that, pending formal notification under Section 5 of the Land Revenue Act, the Tehsildar Ramssoo, shall exercise territorial jurisdiction over areas, comprising of Niabat Ramssoo and Niabat Neel, including Village Dhanmasta. The said order forms the subject matter of challenge in the present petition.



17. The Division Bench of this court in the case reported as ‘**2009 SLJ 1**’ while considering the judgment relied upon by the learned counsel for the respondent reported as **(2002) 10 SCC 226**, held that “the law laid down by the Apex Court was applicable to headquarters to headquarters of a venture with which public, as such, had no direct or indirect interaction. In other words, when the headquarter of an organization with which the people have generally no scope of interaction and was purely for meeting the needs of administration, i.e. headquarter of a railway, is to be set up, the decision of the organization alone to locate the same should be taken note of and, in that connection, that decision itself will hold, for, it is the convenience of the organization alone that is to be taken note of. However, conversely when the headquarter of a block is to be located, where the people will have interest and interaction, the decision to locate the same must be taken in the backdrop of convenience of the people also, for whose benefit the political decision to create a new block has been taken. The executive, while implementing such a political decision, cannot escape by saying that it has taken the decision. It would be required to show that, in the facts and circumstances of the case, the decision taken was a reasonable decision.”

18. The petitioners, who are 13 in number have moved this petition in their personal capacity and not in a representative capacity, however, even the petitioners without being in representative capacity can maintain a petition, filed in their individual capacity. It is out of place to mention that on filing of the petition, the impugned order was stayed by this court, however, none from the other villagers came forward to be impleaded as party or contest the matter



with the petitioners, which means that all the villagers are not opposed to the plea raised by the petitioners in this petition.

19. While altering or limiting the jurisdiction of the administrative units like Patwar Halqa, Niabat, Tehsil and Sub Division in a district, the Govt. has to keep in mind the convenience of the residents, particularly, while setting up their headquarters. The Pogul Paristan Tehsil was set up at Ukhral as a newly carved out Tehsil unit in the district and the petitioners village was included in this Tehsil in terms of SRO 443 dated 21.10.2014, when an extensive exercise had been undertaken by the Government to set up new and alter the limits of the earlier administrative units. Vide impugned Govt. order, petitioners' village Dhanmasta was excluded from that Tehsil and was directed to be included in Niabat Neel under the jurisdiction of Tehsil Ramssoo. The petitioners have contended that due to long distance to be travelled and traversed by the inhabitants from their village to Tehsil headquarters at Ramssoo, the inhabitants have to firstly go to Tehsil headquarter of Ukral of Pogul Paristan and then proceed to Ramssoo at a distance of 15 Kms, which will be highly inconvenient to the residents. In the considered opinion of this court topography of the area, geographical contiguity and accessibility are the prime concerns to determine the convenience of the local population to access the public facilities/utilities to be supplied to them by the Govt. through Tehsil office.

20. It appears that while issuing the impugned Govt. order, the Government has not considered these factors and issued the same just to justify the setting up of a new Tehsil unit at Ramssoo and, included Village Dhanmasta in Niabat Neel of Tehsil Ramssoo by excluding the same from



Niabat Ukhral (Khas) of Tehsil Pogul Paristan at Ukhral. The Govt. is not supposed to take a decision for its sake but has to take an objective decision having regard to the aforesaid criteria keeping in view the convenience of the local population of the area. The judgment of the Supreme Court which has been relied upon by the respondents reported as **(2002) 10 SCC 226** was with regard to shifting of Directorate of Employment and Training from Haldwani to which people had no direct interaction, whereas, in the case on hand, the people have direct interests and interaction for the facilities, being extended to them from Tehsil office, headed by a Tehsildar.

21. Having regard to the aforesaid discussion and the reasons stated hereinabove, this court is of the considered opinion that the impugned order has been passed by the Govt. without application of mind and also is in the teeth of a statutory order issued by the govt. on the subject earlier. The govt. order cannot super cede the statutory order and if at all the Govt. was interested to make any change, it was incumbent upon the Govt. to examine the matter on various factors and then pass a statutory order in terms of Section 5 of the Land Revenue Act Svt.1996. The impugned order is thus not sustainable and is liable to be quashed.

22. Viewed thus, the impugned govt. Order No.155-Rev(S) of 2018 dated 30.08.2018 is hereby quashed, to the extent and insofar as it directs inclusion of Revenue Village Dhanmasta, forming part of Tehsil Pogal Paristan with headquarters at Ukhral, into Niabat Neel, Tehsil Ramssoo, with a direction to the government to examine the matter afresh and in case it is needed, statutory provision be made, after affording an opportunity of being heard to the inhabitants of village Dhanmasta and until then the village



Dhanmasta shall continue to be within the limits of Niabat Ukhral (Khas) and Tehsil Pogul Paristan at Ukhral.

23. The writ petition is, accordingly, **disposed of** along with connected application(s).

Jammu:
03.03.2026
Raj Kumar

(M.A. Chowdhary)
Judge

Whether the order is speaking?
Whether the order is reportable?

Yes/No
Yes/No