Sr. No. 161

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 2630/2025
CM No. 6073/2025

Arun Dev Singh .....Petitioner(s)

Through: Mr. Sandeep Singh, Advocate.

Vs

UT of J&K & Ors.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Chetna Manhas, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
24.09.2025

1. The petitioner, through the medium of present petition is seeking a direction upon respondent No. 2 to issue NOC/clarification with regard to the sale of land measuring 2 kanals 17 marlas of village Kanhal, Tehsil Bishnah, District Jammu belonging to the petitioner with a further direction to respondent No. 3 to issue Fard Intikhab (revenue extracts) of the aforesaid land for the purpose of sale.

2. Issue notice to the respondents.

3. Ms Chetna Manhas, Advocate appearing vice Mrs. Monika Kohli, learned Sr. AAG accepts notice on behalf of the respondents.

4. Heard and considered.

5. The grievance of the petitioner is that he is intending to sell his land measuring 2 kanals 17 marlas comprised under khasra No. 360 min of the village Kanhal, Tehsil Bishnah and for this purpose, he had applied for revenue extracts before respondent No. 3-Tehsildar Bishnah, District Jammu but instead of issuing the Fard Intikhab (revenue extract), respondent No. 3-Tehsildar Bishnah has sought NOC from respondent No. 2-Senior Superintendent of Police (SSP), Crime Branch, Jammu as there is an FIR bearing No. 89/2023 for offences under section 409, 420, 465, 467, 468, 471 & 120-B of the Indian Penal Code pending investigation against the petitioner and co-accused before the said authority. It has been submitted that the Crime Branch has not given NOC to respondent No. 3 as a result of which, Fard Intikhab is not being issued in favour of the petitioner.

6. A perusal of FIR No. 89/2023, a copy whereof has been placed on record by the petitioner, would reveal that the said FIR does not have anything to do with the land which is sought to be sold by the petitioner. In these circumstances, it is beyond comprehension of this Court as to why the concerned Tehsildar is seeking an NOC from the Crime Branch, Jammu before issuing the Fard Intikhab in respect of the land in question in favour of the petitioner. Even a criminal has a right to sell his land and merely because a case has been registered against the petitioner, the revenue extracts for sale of land cannot be withheld. The action of respondent No. 2 is, therefore, not sustainable in law.

7. Accordingly, the writ petition is disposed of with a direction to respondent No. 3 to consider the application of the petitioner for grant of Fard Intikhab (revenue extract) in respect of the aforesaid land, strictly in accordance with law and in the light of the observations made hereinabove, most expeditiously within a period of seven days from the date a certified copy of this order is made available to respondent No. 3 by the petitioner.

8. Disposed of, accordingly.

(SANJAY DHAR)
JUDGE

JAMMU
24.09.2025
Shivalee

Whether the order is speaking: Yes
Whether the order is reportable: No