

Regular List

**Serial No. 11**

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

WP(C) No. 2230/2022

CM No. 1782/2024

CM No. 6024/2022

Date of pronouncement : 04.11.2025

Uploaded on : 06.11.2025

Mohd. Bashir & Ors.

....Petitioners

Through:- Mr. Shariq Mehmood, Advocate vice  
Mr. K. S. Puri, Advocate.

**V/s**

UT of J&K & Ors.

.....Respondents

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

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**  
**JUDGMENT (ORAL)**

**01.** The private respondent Nos. 4 to 9 were the appellants before the Additional Deputy Commissioner/Collector (with powers of Commissioner Agrarian Reforms), Rajouri, assailing two mutations otherwise attested in favour of the three petitioners herein.

**02.** The respondent Nos. 4 to 9 in their memo of appeal had given their residential address as residents of village Karyote, tehsil Thannamandi and by the same very address

the petitioners came to name the respondent Nos. 4 to 9 for the purpose of service.

**03.** Registered notices sent to the respondent Nos. 4 to 9 have been received back un-served with a report that addressees are not found on the said address meaning thereby the address was found, but the addressees that is the respondent Nos. 4 to 9 were not found at the given point of time, as such, the service of the notices is complete as this Court is under no obligation to go for the searches of the house as well as of the respondent Nos. 4 to 9.

**04.** Accordingly, the service of the respondent Nos. 4 to 9 having taken place and there being no appearance on their behalf, as such, they are proceeded *ex-parte*.

**05.** The writ petition is against an order dated 22.08.2022 passed by the Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Rajouri whereby the mutation No. 94 dated 21.09.1980 attested by Tehsildar, Thannamandi read with mutation No. 103 dated 11.01.1982 against attested by the Tehsildar, Thannamandi under sections 4 and 8 of the J&K Agrarian Reforms Act, 1976 respectively came to be set-aside by the appellate authority in a very cryptic order which bears no reasoning except that from the perusal of the record related to khasra No. 144 with respect to 3 kanals of land, the same was found not to be

under the cultivating possession of the petitioners herein in whose favour the mutations have been attested.

**06.** After having set-aside the two mutations, the appellate authority of Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Rajouri came up with no consequent direction as to what is the next legal course of action to be adopted in the event of setting-aside of two mutations in the sense as to whom the land in reference forming subject matter of the two mutations is to legally belong to or to be restored back or to be held by.

**07.** The impugned order bears tone and tenor as if the end objective pressing upon the Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Rajouri was simply to set-aside two mutations even without stating in his order that what is the position of '*khasra-girdawari*' of 1971 as to who is/are recorded to be the owner/s of the land in reference and whose cultivating possession was obtaining in the year 1971, how the petitioners came to claim benefit of sections 4 and 8 of the J&K Agrarian Reforms Act, 1976 and further as to how the respondent Nos. 4 to 9, as being the appellants, were aggrieved of the said two mutations.

**08.** In the light of the aforesaid, the impugned order dated 20.08.2022 is held to be bad which is, accordingly, set-

aside with a direction of the Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Rajouri to restore the appeal to its original number and adjudicate the appeal on merits in the light of the observations made hereinabove.

**09.** The petitioners are directed to appear before Additional Deputy Commissioner (with powers of Commissioner Agrarian Reforms), Rajouri on **03.12.2025** when the Additional Deputy Commissioner, Rajouri shall restore the appeal filed to its original number and serve the appellants for appearance in the case for adjudication on merits.

**10.** In the light of the aforesaid observations, the writ petition is, accordingly, ***disposed of*** along with connected application(s).

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**04.11.2025**

*Bunty*

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No