

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

WP(C) No. 2644/2025

Harnam Dass

.....Petitioner

Through: Mr. Amit Gupta, Advocate

Vs

UT of J&K & Anr.

.....Respondent

Through:

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE
ORDER
(26.09.2025)

- 01.** The petitioner, through the medium of the present petition, has questioned the decision dated 29.08.2025 of respondent No. 2 whereby his application for grant of revenue extracts has been rejected. He has also sought a direction upon the respondents to issue revenue extracts with respect to land measuring 7 kanals 13 marals falling in khasra No. 180 and land measuring 2 kanals 6 marlas falling in khasra No. 347, (total land measuring 9 kanals and 19 marlas) situated at village Sukhu Chak, Tehsil Hiranagar, District Kathua.
- 02.** According to the petitioner, he had acquired tenancy rights in respect of the aforesaid land whereupon

proprietary rights were conferred upon him in respect of the land in question in terms of Government Order No.S-432 of 1966. It has been submitted that the petitioner intends to sell the aforesaid land and for this purpose, he has approached the respondents for providing him copy of revenue extracts which respondent No.2 has declined to furnish by observing that the proprietary rights in respect of the land in question have been vested upon the petitioner in terms of Government Orders No.LB/6-C of 1958 and S-432 of 1966, as such, the said land cannot be alienated in terms of standing order/circular.

03. Heard and considered.
04. Issue notice to the respondents. Ms. Chetna Manhas, Assisting Counsel to Mrs. Monika Kohli, learned Sr.AAG waives notice on behalf of the respondents.
05. The question as to whether the land acquired by a person in terms of the Government Order No.S-432 of 1966 dated 03.06.1966 can be alienated by the owner thereof is no longer res-integra and this Court in the case of ***Mohammad Akbar Shah and Ors. V. State and Ors.;*** ***2017 AIR(J&K) 14*** has set the controversy at rest by holding that a person who has been conferred proprietary rights in terms of Order No.S-432 of 1966 is not

precluded from alienating the said land. The relevant portion of the judgment is reproduced as under:

“10. After the petitioner No.1 was conferred with proprietary rights over the land in terms of order of 1966, the said order outlived its life to the extent of petitioner No.1. His rights thereafter were governed by the Transfer of Property Act, Land Alienation Act and Agrarian Reforms Act. The Act of 1976, in view of the mandate contained in its section 31, did forbid alienation of land defined under it. However, section 31 of the Act of 1976 was omitted in the year 1997. The express provision, forbidding sale of the land, defined in the Act of 1976, was, thus, removed by the Statute itself. The condition contained at paragraph 04 of the order of 1966 for seeking permission for alienation of land, in view of the provisions of the Act of 1976, more particularly, section 42(1), thus, has ceased to be in operation. Even otherwise, attaching the condition of seeking permission for alienation of land in respect of which, proprietary rights stands conferred, is against the concept of exercising complete dominion over the land, of which proprietary rights were conferred on petitioner No.1. After becoming absolute owner of the land, restriction could not be imposed for its alienation. Such a condition could be imposed only by an act of legislation. Initially a like condition was imposed in terms of section 31 of the Act of 1976 but the said provision was, subsequently, omitted. The land was permitted to be alienated to a limited extent for the purpose of construction of residential house.

11. It appears that the condition of seeking previous permission from the Government for alienation of land, in respect of which, ownership rights were conferred by the government as the person was holding the land as tenant under the State, was done with the purpose to ensure that the benefit of land accrues to the grantee and he uses it for agriculture purposes.

12. In earlier times, agriculture activity was the backbone of economy of the State. The land, which was given for agriculture purposes to a State subject, was to ameliorate the sufferings of such person/his family. Now the times have changed. The agriculture activity is no more the main economic activity of the State. The condition of seeking previous permission of the Government for alienation of land, which was given for agriculture purposes, in terms of paragraph 04 of the order of 1966, is rendered otiose and will not effect right of the owner of land to alienate the same provided other statutory requirements are fulfilled for such alienation.”

- 06.** In view of aforesaid ratio laid down by this Court, it is not open to the respondents to refuse to issue the revenue extracts in favour of the petitioner in respect of the land in question on the ground that the same has been acquired by him in terms of order No.S-432 of 1966.
- 07.** Accordingly, writ petition is allowed and impugned decision dated 29.08.2025 made by respondent No. 2 is quashed and a direction is issued to the respondents to furnish revenue extracts in respect of the aforesaid land in favour of the petitioner for the purpose of its proposed alienation.



(SANJAY DHAR)
JUDGE

JAMMU
26.09.2025
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