

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

LPA No. 215/2025 in
WP(C) No. 1858/2024

Pronounced on:- 14.10.2025
Uploaded on :- 15.10.2025

Mohd Sahbir
S/o Nazir Hussain,
R/o Sangpur, Tehsil Nowshera, District
Rajouri, aged 49 years.

.....Appellant(s)/Petitioner(s)

Through: Mr. C. M. Koul, Sr. Advocate with
Mr. A. R. Bhat, Advocate

vs

1. Sanjeev Kumar, S/o Sh. Shiv Ram,
R/o Sangpur, Tehsil Noswhera, District
Rajouri
2. UT of J&K th. Commissioner-cum-
Secretary to Govt. for the Deptt of
Revenue, Civil Secretariat, Jammu.
3. Deputy Commissioner, Rajouri
4. Additional District Magistrate, Rajouri
5. Tehsildar, Nowshera, District Rajouri

..... Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
14.10.2025

Sanjeev Kumar 'J'

1. This intra-Court appeal, filed by the appellant, namely, Mohd. Shabir is directed against an order and judgment dated 08.08.2025 passed by the learned Single Judge of this Court [**“the Writ Court”**] in WP(C) No. 1858/2024 titled *Sanjeev Kumar Vs. UT of J&K & Ors.*, whereby the Writ Court, has, while allowing the writ petition of the respondent No.1 directed the official respondents herein to conduct the elections

to the post of Lambardar in Village Sangpur, Tehsil Nowshera, District Rajouri within a period of three months from the date of receipt of the copy of the order.

2. The impugned judgment is challenged by the appellant primarily on the ground that the Writ Court has not taken note of the fact that in terms of Rule 14 of the Lambardari Rules there could only be general elections of Lambardars and not the elections for a particular revenue village.
3. Having heard learned counsel for the appellant and perused the material available on record, we are of the considered opinion that the judgment passed by the Writ Court is in consonance with law and does not call for any interference by us in this appeal. Rule 14 of the Lambardari Rules, which is relevant for our purpose is set out below:

14. Elections.

(1) A general election of Lambardar shall be held in accordance with these rules, within such time and within such areas as may be prescribed by the Revenue Minister by a Notification in the Government Gazette.

(2) Deleted

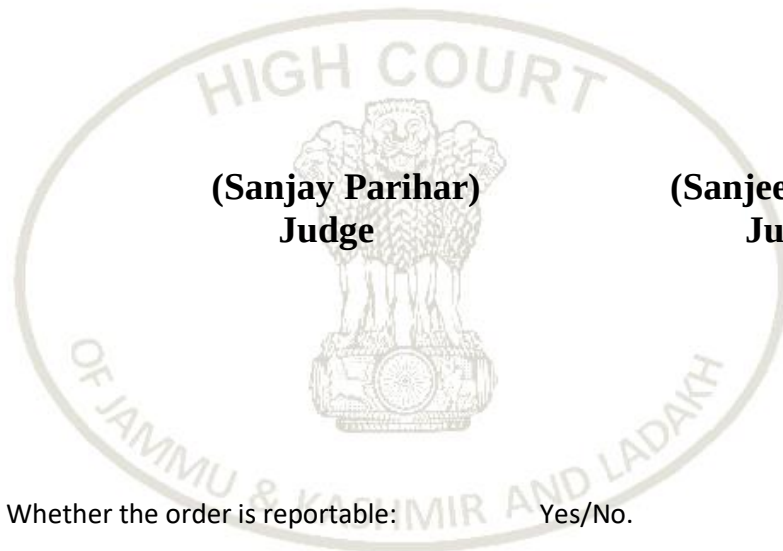
(3) Where a vacancy is ordered to be filled by election, such election shall take place in accordance with these rules and the Revenue Minister may, in respect of the vacancy so filled by selection, order, that no fresh election shall take place till the next election or till the constituency again falls vacant.

(4) Subject to the provisions of Clause (a) where the vacancy is not filled by election, the appointment to a vacant post of Lambardar shall be made by the Revenue Officer not below the rank of Tehsildar subject to confirmation by the Collector for a period not exceeding six months; Provided that the appointee, shall possess all the qualifications prescribed in this behalf and shall not suffer from any disabilities that apply to the election of the Lambardar.

4. From reading of Rule 14, it clearly transpires that the elections to the office of Lambardar are required to be held in accordance with the Lambardari Rules within such time and within such areas as may be prescribed by the Revenue Minister by a notification in the Government gazette.
5. It is, thus, abundantly clear that the elections to the post of Lambardar can be notified by the Revenue Minister by a notification in the Government gazette for such area as may be prescribed by it. The area could be a village, a cluster of villages, a district, a group of districts or even the entire Union Territory of Jammu and Kashmir. This has been left to the discretion of the Revenue Minister.
6. In that view of the matter, the argument raised by Mr. C. M. Koul, learned Senior counsel for the appellant does not have any substance and therefore, deserves to be rejected. The apprehension of the learned Senior counsel that the official respondents may not conduct election for the post of Lambardar under the Lambardari Rules is also not well founded.

7. Needless to say that whenever a direction is issued by a Court of law to do a particular thing, such thing is required to be done in consonance with law and not contrary to law. The direction of the learned Single Bench, calling upon the official respondents to conduct elections has to be viewed in this context and would always mean that election directed to be conducted by the Writ Court is in accordance with the Lambardari Rules in vogue.
8. Hence, this appeal is founded to be devoid of merits and the same is, accordingly, **dismissed**.

Jammu
14.10.2025
Vishal Sharma



Whether the order is reportable: Yes/No.

Whether the order is speaking: Yes/No