

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

Case No.:- WP(C) No. 216/2023
CM No. 530/2023

Mohd. Ashraf aged 80 years
S/o Shaab Din
R/o village Lansi at present w.no. 2 Adarsh Colony,
Udhampur through his attorney son
Nadeem Anjum, age 35 years
S/o Mohd. Ashraf
R/O H. No. 319, Udhampur.

.....Petitioner(s)

Through: Mr. Ranjeev Dubey, Advocate.

Vs

1. Union Territory of Jammu and Kashmir
Through its Commissioner/Secretary
Department of Revenue, Jammu.
2. Joint Commissioner
Agrarian Reforms, Jammu.
3. Tehsildar Udhampur (Khas) Udhampur.
4. Premu S/o Jyotu caste Megh Tehsil and District Udhampur.

..... Respondent(s)

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

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
02.05.2025

1. Mutation No. 269 dated 09.01.1987 followed by mutation
No. 273 dated 12.07.1987 came to be attested under
sections 4 and 8 respectively of the Jammu and Kashmir
Agrarian Reforms Act, 1976 in favour of Premu s/o Jyotu

caste Megh r/o Udhampur thereby constituting him as an owner of three (3) kanals and sixteen (16) marlas of land comprising khasra No. 155 situated in village Lansi, tehsil and district Udhampur. The mutations were attested by the Tehsildar concerned.

2. Said two mutations came to be challenged on 15.10.1987 in two appeals on files No. 1622 & 1623/Udh by one Shab Din S/o Feroz Din R/o Lansi, tehsil Udhampur alleging that instead of Premu-the respondent No. 4, it is he (Shab Din) who was entitled to be the beneficiary of sections 4 and 8 mutations under Jammu and Kashmir Agrarian Reforms Act, 1976 qua said land.
3. Said two appeals preferred before the Joint Agrarian Reforms Commissioner, Jammu with powers of Commissioner under Agrarian Reforms Act, 1976 came to be dismissed by virtue of an order dated 17.10.1989 holding that at the time of attestation of the aforesaid two mutations, applicant Shab Din was himself present admitting the right and claim of Premu-the respondent No. 4 vis-à-vis the land in reference and, therefore, was not to be heard in agitating against said two mutations.

4. It is the order dated 17.10.1989 which came to be challenged by filing a present writ petition on 18.12.2023 i.e., after a gap of almost thirty three (33) years from the date of passing of the order dated 17.10.1989 by the petitioner who claims himself to be son of the appellant Shab Din.
5. The writ petition has been filed acting through an attorney by virtue of a general power of attorney dated 18.12.2020. A bare perusal of the said general power of attorney would show that the general power of attorney has been given by the petitioner Mohd. Ashraf in favour of his son Nadeem Anjum with respect to landed property comprising khasra Nos. 115, 136, 137 and 116 situated in village Lansi, tehsil and district Udhampur.
6. Thus, by no stretch of reference, the petitioner Mohd. Asharf has meant and constituted his son Nadeem Anjum as attorney holder to deal with the litigation related to the land comprising khasra No. 155.
7. The very institution of the writ petition by the petitioner through his attorney son on the basis of the general power

of attorney in reference from the very inception was misconceived amounting to an abuse of process of law.

8. Be that as it may, even if the general power of attorney would have been relatable to khasra No. 155, still the writ petition is hopelessly afflicted with delay and laches for accounting which the petitioner is coming with a purported plea that he was not aware of any litigation so pending between his father and the respondent No. 4. The same cannot constitute a ground explaining delay and laches.
9. The petitioner's father Shab Din is said to have expired in the year 1994 and he did not feel aggrieved of adverse outcome of his said appeal to pass on any grievance of legal nature for his successor-in-interest to carry on with legal pursuit against two mutations and order in appeal.
10. The petitioner must have got himself entered in the revenue record in terms of succession to his father's estate by getting mutation of inheritance but nothing to that sort has been whispered in the petition. The petitioner having earned inheritance of his father and mutation, if any, related therewith was supposed to be aware of the aspect that his

father was in litigation with the respondent No. 4 in relation to khasra No. 155.

11. The petitioner, in filing the writ petition, has not come up with clean hands as is borne out from the fact that he has least bothered to even annex a certified copy, or for that matter non-certified copy, of the memo of appeal which his father Shab Din had filed in assailing two mutations whereas, in his writ petition, the petitioner is meaning to allege that his father was an illiterate and rustic person whose thumb impressions on the impugned mutations came to be taken on some false pretexts. Whether this was the plea of his father Shab Din before the appellate court has not been spelled out by the petitioner in his writ petition obviously with an obliquity to create and craft a false excuse to somehow come up with the writ petition in order to drag the respondent No. 4 in a burdensome litigation to fetch some brinkmanship.
12. Therefore, this Court holds the writ petition not maintainable firstly on lack of authority of the attorney holder to act on behalf of the petitioner in the matter of filing present writ petition with respect to its subject matter and secondly, even if the filing of the writ petition is by

authorized attorney then also the writ petition being hopelessly afflicted with delay and laches which, by no stretch of reference, could be accounted for and has not been accounted for by the petitioner.

13. The writ petition is, accordingly, dismissed along with connected application(s).

14. A copy of this judgment be sent to Tehsildar Khas, Udhampur for being taken on record by reference to revenue record related to two mutations.

JAMMU
02.05.2025
Naresh/Secy.

(RAHUL BHARTI)
JUDGE

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