

Regular List
Serial No. 09

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

RP No. 55/2025
In
OWP No. 1764/2012
CM No. 7677/2025

Date of pronouncement : 08.12.2025
Uploaded on : 10.12.2025

Mohd. Azam

....Petitioner

Through:- Mr. Muzzaffar Ali Shah, Advocate &
Mr. Tayyab Javed Qureshi, Advocate.

V/s

UT of J&K & Ors.

.....Respondents

Through:-

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

01. Through the medium of this review petition, the petitioner – Mohd. Azam intends to seek review of order dated **19.12.2024**, in terms whereof this Court came to *dispose of* the writ petition-**OWP No. 1764/2012**.

02. Writ petition-**OWP No. 1764/2012** was filed by Mohd. Alam, the father of the present petitioner, wherein he came to allege that he has suffered deprivation of 7 kanals of land out of his ownership land total measuring 17 kanals 12 marlas comprised in khasra No. 73 min of village Saria tehsil

Kalakote district Rajouri out of which 7 kanals of land alleged to have been taken over unauthorisedly by the J&K Minerals Department, and thus compensation was claimed in the said writ petition for the said land parcel.

03. Before filing writ petition-**OWP No. 1764/2012**, said Mohd. Alam had first filed a writ petition-**OWP No. 485/2010** by reference to the cause of action on the basis of which said writ petition-**OWP No. 1764/2012** came to be filed.

04. Writ petition-**OWP No. 485/2010** was withdrawn on purportedly account of accrual of fresh cause of action.

05. During the pendency of writ petition, the original writ petitioner – Mohd. Alam expired on **07.04.2017**, which resulted in application-**CM No. 2047/2019** being filed by the present petitioner – Mohd. Azam claiming to be the legal heir of his father Mohd. Alam to the exclusion of his brothers, on the basis of a registered will dated **06.06.2009** in terms whereof the testator Mohd. Alam declared that land measuring 24 kanals 12 marlas in khasra No. 73 was in his possession with respect to which he intended to bequeath it in favour of the present petitioner.

06. Said application was accompanied with a mutation No. **1054** dated **25.06.2017**, in terms whereof, on the basis of the alleged will, the present petitioner came to be entered in

the revenue record as owner with reference to khasra No. 73 measuring 24 kanals 12 marlas.

07. Thus, while on the one hand in his will, the original writ petitioner - Mohd. Alam claimed to be owning 24 kanals 12 marlas of land in khasra No. 73, on the other hand in his writ petition by reference to self-same khasra No. 73, he was claiming to be the absolute and exclusive owner-in-possession of land measuring 17 kanals 12 marlas in khasra No. 73.

08. The premise on which this Court came to pass an order dated **19.12.2024** was that Mohd. Alam, the original writ petitioner, had disinherited one of his sons, namely, Mohd. Zaman but the attention of the Court skipped the presence of said will dated **06.06.2009**, in terms whereof the original writ petitioner – Mohd. Alam had purportedly vested his land in khasra No. 73 in favour of his son – Mohd. Azam, the present petitioner.

09. The application for bringing on record legal representative so preferred by the present petitioner was *allowed* in terms of order dated **26.07.2021**, after having first condoned the delay in terms of the order dated **26.02.2019**.

10. Thus, there is an error apparent on the face of the record attending order dated **19.12.2024**, which warrants to be reviewed at the instance of the present petitioner, although in order dated **19.12.2024**, this Court had reserved the right

of the present petitioner to file a fresh writ petition in the event of having a mutation of inheritance at his disposal *qua* the subject land of the writ petition.

11. The present petitioner, instead of availing the said option, has chosen to come forward seeking review of order dated **19.12.2024** which is, accordingly, accepted.

12. Order dated **19.12.2024** is, thus, recalled and writ petition-**OWP No. 1764/2012** is restored to its original number.

13. List writ petition-**OWP No. 1764/2012** on **15.12.2025** along with record of writ petition-**OWP No. 485/2010**.

14. Registrar Judicial, Jammu is directed to ensure that record of writ petition-**OWP No. 485/2010** is annexed with the restored writ petition-**OWP No. 1764/2012** positively.

15. The present review petition-**RP No. 55/2025** is, accordingly, ***disposed of***.

(RAHUL BHARTI)
JUDGE

JAMMU
08.12.2025

Bunty

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No