

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

**WP(C) No. 3563/2025
CM No. 8129/2025**

Bimla Devi & Ors.

.....Petitioners

Through: Mr. Pranav Sharma, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through:

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

**ORDER
(17.12.2025)**

1. All nine petitioners herein are 'successors-in-interest' of one Sansar Singh. The petitioner No. 1-is widow of said Sansar Singh whereas the petitioners No. 2 to 6 are sons of said Sansar Singh and the petitioners No. 7 to 9 are married daughters of said Sansar Singh.
2. By reference to his status with respect to khasra No. 4140 min /4 and 4140/4 of village Bagla, erstwhile tehsil Samba now Vijaypur, district Samba, said Sansar Singh came to be accorded and vested with ownership rights of the land measuring **44 kanals and 5 kanals** respectively by virtue of **mutation No. 2475** under **Government Order No. S-432 of 1966 dated 03.06.1966.**

3. Later on upon death of said Sansar Singh, all the petitioners herein came to be beneficiaries of **mutation of inheritance No. 4485 of 1988** with respect to the aforesaid two khasra numbers i.e. 4140min/4 and 4140/4 of village Bagla, tehsil Vijaypur, district Samba.
4. On the basis of their duly recorded position as owners, the petitioners are said to have applied for issuance of 'Fard Intikhab Jamabandi' for five (5) kanals of land out of khasra No. 4140min/4 for enabling them to effect alienation of said five (5) kanals piece of land as legitimate exercise of their right as owner.
5. Requisite application for issuance of Fard was submitted Online vide an application No. **22851509202522447462** on 15.09.2025. The online submission of aforesaid application was duly acknowledged by Transaction Acknowledgement which is accompanying the present writ petition as **Annexure-II (Paperbook-page 23)** with name of applicant being-Mohinder Singh, who is the petitioner No. 6 in the present writ petition.
6. The competent authority for issuance of requisite 'Fard' in the present case is the respondent No. 3-Tehsildar Vijaypur, district Samba who seems to be not according any attention and indulgence in respect to the disposal of

the said application of the petitioners for issuance of 'Fard Intikhab Jamabandi' purportedly on a notion that the restriction/prohibition envisaged in **Government Order No. S-432 of 1966 dated 03.06.1966** mandates prior permission of the Government for affecting any alienation/transfer of the land relatable to grant of ownership under **Government Order No. S-432 of 1966 dated 03.06.1966**.

7. Mr. Pranav Sharma, learned counsel for the petitioners submits that the position of law in this respect relatable to **Government Order No. S-432 of 1966 dated 03.06.1966** has been well settled now by this Court in terms of judgments in series of cases reckoning from judgment in writ petition **OWP No. 982/2015 titled "Mohdammad Akbar Shah Vs. State & Ors."** *judgment dated 31.05.2016* followed then by all the successive Benches of this Court. In this regard, reference is made to **Order dated 03.07.2023 in WP(C) No. 1675/2023 titled "Angrez Singh Vs. UT of J&K & Ors"**. ; judgment dated 05.08.2024 in WP(C) No. 1439/2024 titled **"Ravinder Katna & Ors. Vs. UT of J&K & Ors"**. ; Judgment dated 04.09.2025 in WP(C) No. 2651/2024 connected with WP(C) No. 1694/2025

and WP(C) No. 1771/2025 titled “Mohan Lal Angral Vs. UT of J&K & Ors.”.

8. Repeated reluctance on the part of the concerned Tehsildar/s in matter of issuance of Fard/s in favour of the recorded owner/s by relation to **Government Order No. S-432 of 1966** is not understandable. Once the position of law has been well settled in this respect by this Court which position of law as then been consequently acted upon also but nevertheless a stereotype mindset seems to be still attending in the matter of persisting with reluctance in the issuance of ‘Fard/s’ on the part of the Tehsildar/s concerned.
9. This writ petition is **disposed of** with a direction to the respondent No. 3-Tehsildar Vijaypur, district Samba to issue the requisite ‘Fard’ in favour of the petitioners as applied for **five (5) kanals of land in khasra No. 4140 min/4 in village Bagla, tehsil Vijaypur, district Samb,** in case, the petitioners do not otherwise suffer from any other legal disability/disqualification for seeking or earning the requisite ‘Fard’ which prima face seems not to be case.

- 10.** Needful compliance to be done from the part of the respondent No. 3-Tehsildar Vijaypur, district Samba by or before **09.01.2026**.
- 11.** The present writ petition is accordingly, ***disposed of*** along with connected application/s.

(RAHUL BHARTI)
JUDGE

JAMMU
17.12.2025
SUNIL

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

