

S.No.8
Regular List

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

WP(C) 144/2022

HAMIDULLAH MALIK(SENIOR CITIZEN) ...Petitioner(s)/Appellant(s)

Through: Mr. Aftaab Ahmad, Advocate

Vs.

UNION TERRITORY OF J AND K AND ORS. ...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL,JUDGE

ORDER

30-05-2025

1. The petitioner, through the medium of the present writ petition, filed under Article 226 of the Constitution of India, seeking following relief(s):

- I. PROHIBITION, whereby the official respondents are prohibited from dispossessing the petitioner forcibly from the land purchased by him and presently under his occupation, ownership and possession measuring 01 kanal (one kanal Jcovered under Khasra No. 337/1 Min, Khewat No. 159. situated at Sheikhpura, District Budgam, except in accordance with the procedure established by law.
- II. MANDAMUS, whereby the official respondents are commanded to discharge their legal duty and accordingly not to interfere in the process of construction of the residential house of the petitioner undertaken by him and allow same in accordance with the provisions of law in his own land measuring 01 kanal covered under Khasra No, 337/1 Min, Khewat No. 159, situated at Sheikhpura, District Budgam.
- III. MANDAMUS, whereby the official respondents are commanded to provide full security cover to the life and liberty of the petitioner on the grounds as depicted in the writ petition.

IV. MANDAMUS, whereby the respondents be commanded, while discharging their legal duty and while acting on the application/ representation dated 25-10-2021 of the petitioner, to identify the land and the person or persons, as alleged by them in the vicinity situated at Sheikhpora District Budgam, and, after due process of law, hand over the possession of the said identified land with equal descriptions, equal margins and with equal value and equal dimensions, as per the registered sale deed executed on 06. 12. 2013(registered on 24. 12. 2013 by Sub-Registrar Budgam), and for that purpose, after following due process of law evict the land holders, presently in possession of the land as depicted in the writ petition (depicted in the annexed map with the writ petition), falling which, the official respondents be commanded not to interfere in the peaceful possession, ownership and enjoyment of the land, possessed by the petitioner covered under Khasra No. 337/1 Min, Khewat No. 159. situated at Sheikhpora, Budgam, except in accordance with the procedure established by law.

2. Mr. Ilyas Nazir Laway, learned GA concedes that in case if the petitioner is required to be evicted and land allegedly possessed by the petitioner is under the occupation and ownership of the petitioner, measuring 01 kanal covered under khasra No, 337/1 Min, khewat No. 159, situated at Sheikhpora, District Budgam, then, the petitioner shall not be evicted without following due process established by law.
3. Thus, this petition is partly allowed and in so far as the relief prayed by the petitioner in paras I to II of relief clause, is concerned the counsel for respondents has also conceded to the same and in the light of the statement made by him, the writ petition to that extent is allowed and accordingly, disposed of.

4. Insofar as the relief no. IV is concerned, learned counsel for the petitioner submits that inspite of the representation filed by the petitioner, the respondents have not carried out the demarcation and the land of the petitioner is yet to be identified and the petitioner would feel satisfied in case, a direction is issued to the respondents to carry out the said demarcation within some reasonable period to which, learned counsel for the petitioner has no objection.
5. In the light of statement made by learned counsel for the petitioner, no fruitful purpose would be served to keep this petition alive accordingly, the same is disposed of by directing the petitioner to file a fresh representation before the respondent no.2, who in turn will direct the appropriate authority i.e. concerned Tehsildar to carry out the demarcation of the land in question within a period of four weeks by notifying the date in advance to the petitioner and other stakeholders.
6. Therefore, the instant writ petition is **disposed of** in the above manner along with connected applications.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
30-05-2025
Mubashir