

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

LPA/20/2025
In [WP(C)/2034/2020]

Pronounced On: 22.12.2025
Uploaded On: 24.12.2025

1. Irshad Ahmad Haji
S/O: Late Mohd Ramzan Haji
R/O: Nowpora, Bandipora

2. Shakir Ramzan Haji
S/O: Late Mohd Ramzan Haji
R/O: Nowpora Bandipora

...Appellant(s)

Through: Mr. Shuja Ul Haq, Advocate

Vs.

1. Union Territory of J&K through
Commissioner Secretary, Revenue
Department, Civil Sectt.
Srinagar/Jammu.

2. Principal, Chief Conservator Forest,
J&K Srinagar.

3. Deputy Commissioner, Bandipora

4. Division Forest Officer, Bandipora

...Respondent(s)

Through: Mr. Ilyas Laway, GA
Mr. Mohd Younis Hafiz, Assisting Counsel &
Ms. Nowbahar Khan, Assisting Counsel

CORAM:

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

ORDER(ORAL)

22.12.2025

1. This intra-court appeal by the appellants arises from an
order and judgment passed by the learned Single Judge of this

Court [“the writ Court”] in WP(C) No. 2034/2024 titled **“Irshad Ahmad Haji and Anr. Vs. Union Territory of J&K and Ors.”** whereby the writ Court having regard to the nature of the controversy involved, has directed the Commissioner Secretary to the Government Department of Revenue to constitute a team of officers of the Revenue and Forest Departments for conducting a joint demarcation of the land measuring 15 Marlas falling in Survey No. 209/196 situated at estate Check Reshipora, Bandipora [“subject land”].

2. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the dispute raised by the appellants in their writ petition before the writ Court was with regard to their ownership and possession over the subject land. As per the appellants, they are in cultivating possession of the subject land under its owner Tara Chand, and have not encroached upon any land belonging to the Forest Department. On the other hand, the plea of the respondents before the writ Court was that the subject land is a forest land and that the appellants have encroached upon the same and, therefore, they are well within their right to plant trees and establish a nursery on the subject land.

3. Having regard to the nature of controversy involved, wherein both the sides i.e., the appellants as well as Department of Forest were staking their claims over the subject land, the writ Court directed the constitution of a team for demarcation so as to ascertain the true factual

position so that the true claimant to the subject land is ascertained. We do not find any fault with the view taken by the writ Court. The committee directed to be constituted by the writ Court shall be in a better position to demarcate the subject land and determine the real owner in possession thereof. We would, however, like to add that while conducting the demarcation, not only the officers of the Department of Forest & Revenue but also the appellants shall be associated.

4. For the foregoing reasons and with the aforesaid little modification that we have made, the judgment passed by the writ Court is upheld. Consequently, the LPA filed by the appellant is found devoid of any merit and the same is, accordingly, **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

22.12.2025

"Mir Arif"

- (i) Whether the order is reportable? Yes/No.
- (ii) Whether the order is speaking? Yes/No.