

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

CM No. 2764/2024 in OWP No. 122/2019

Ghulam Qadir Ganie ...Petitioner(s)/appellant(s)

Through: Mr. Mudasir-bin-Hassan, Advocate

Vs.

J&K Special Tribunal & Ors. ...Respondent(s)

Through: Mr. Satinder Singh, AAG

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
12.02.2025

1. Writ petition OWP No. 122/2019 came to suffer dismissal for non-prosecution in terms of an order dated 07.02.2023 when the court came to observe that on the last three consecutive dates of hearing before 07.02.2023 appearance on behalf of the petitioner had gone begging.
2. In the writ petition, respondent No. 6-Abdul Salam Ganie had caused appearance through an advocate in the writ petition. The petitioner came to challenge adjudications under the Agrarian Reforms Act 1976, in terms whereof, the petitioner was ordered to suffer eviction from land measuring 3 kanals 3 marlas comprising khasra No. 851 min (2.13 kanals) and 600 min (10 marlas) situated at village Bethipora, Tehsil Keller. The order for eviction of the petitioner from the said land was passed by reference to section 27 of the Agrarian Reforms Act, 1976 read with section 19 (3) (e) of the said Act.

3. The writ petition filed by the petitioner was a last remedy at the disposal of the petitioner to salvage the position in his favour.
4. In terms of an order dated 08.02.2019, the writ court had directed stay of operation of the impugned orders so passed in that case and status quo to be maintained with respect to subject matter of the writ petition.
5. The dismissal of the writ petition for non-prosecution remained unknown to the petitioner and it is only on 10.05.2024 when the petitioner came with a time barred restoration application CM No. 2765/2024 accompanied with an application for condonation of delay CM No. 2764/2024.
6. In the application for condonation of delay the service of non-applicant No. 6-Abdul Salam Ganie came to be affected in terms of registered notice send on 28.11.2024 which is reported to have been delivered but there is no appearance on behalf of non-applicant No. 6, as such, he was set ex-parte.
7. For the reasons stated in the application for condonation of delay as also restoration application, the two applications are allowed. The writ petition OWP No. 122/2019 to be restored to its original number subject to payment of costs of Rs. 10,000/-. The costs to be deposited in the Yateem Khaanah, Chattabal, Bemina Crossing, Srinagar bearing Account No.

0248040100014190 by the applicant within a period of 15 days with effect from today.

8. Restoration of the writ petition is with the revival of the interim direction as given in terms of order 08.02.2019. Upon listing of the writ petition, service of private respondent No. 6- Abdul Salam Ganie to take place afresh.

SRINAGAR
12.02.2025
ARIF



(RAHUL BHARTI)
JUDGE