

S. No. 29
Regular list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(S) 47/2022 in[WP(C) 216/2020]

SHADI LAL KANTH(SENIOR CITIZEN)

...Petitioner(s)/Appellant(s)

Through: Mr. Touseef Ahmad, Advocate.

Vs.

DOIFODE SAGAR DATTATRAY

...Respondent(s)

Through: Mr. Waseem Gul, GA.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

02.06.2025

1. The instant petition arises out of the Order/Judgment passed by this Court dated 24.08.2021 in WP(C) No. 216/2020 by virtue of which, the writ petition preferred by the petitioner was disposed of with the direction to the District Magistrate, Kupwara, to take appropriate action in the matter in tune with the mandate of Sections 4 & 5 of the Majju & Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 preferably not later than three months from the date of receipt of the said order.
2. Since the aforesaid order was not complied with within the period granted by this Court, the instant petition was preferred in which the notice was issued on 02.03.2022 and compliance report stands filed on behalf of the respondents
3. The respondents have taken a specific stand that the claim of the petitioner has been accorded due consideration in terms of the aforesaid

order and detailed consideration order also stands issued vide order No. DCK/LS/ALO/480-83 dated 30.07.2024, which has been placed on record along with the compliance report.

4. From a bare perusal of the detailed order of consideration, it is apparent that the claim of the petitioner in terms of the aforesaid order/judgment dated 24.08.2021 has been accorded due consideration and operative para of the order is reproduced hereunder:

“Now therefore, in view of above facts and circumstances of the case, this office on according consideration to the claim of the petitioner in terms of Hon'ble High Court order dated 24.08.2021, the recorded migrant land under survey No. 340 new(old 109 min) 04 marlas, under survey No. 477 new(old-70 min) 04 Marlas, under survey No. 479/1 new(old 57 min) 02 ½/ Marlas has been placed under superdnama in terms of mandate of section 4 and 5 of the Jammu And Kashmir Migrant Immovable Property (Preservation, Protection And Restraint On Distress Sales) Act, of 1997 and the claim of petitioner in respect of other survey No's mentioned in the order dated:24.08.2021 passed by Hon'ble High Court is not supported by the revenue record, as such claim of petitioner in respect of land which is not recorded in the name of petitioner, is devoid of any merit and is accordingly rejected.”

5. By virtue of the aforesaid order, it has come to fore that the recorded migrant land under survey No. 340 new (old 109 min) measuring 04 marlas, under survey No. 477 new (old-70 min) measuring 04 marlas,

and under survey No. 479/1 new (old 57 min) measuring 02½ marlas has been placed under superdnama in terms of Sections 4 and 5 of the Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997. The claim of the petitioner in respect of other survey numbers is not supported by the revenue record and has rightly been rejected.

6. Learned counsel for the respondents submits that all steps as directed by this Court have already been taken in compliance with the judgment passed and prays that the proceedings in the contempt petition be closed.
7. From a bare perusal of the compliance report filed by the respondents coupled with the detailed consideration order, this court is of the view that the respondents have complied with the Order/Judgment dated 24.08.2021 in its letter and spirit and nothing remains to be adjudicated further in the instant contempt petition.
8. Accordingly, the proceedings in the instant contempt petition are closed and the Rule, if any, stand discharged.
9. **Disposed of.**

(WASIM SADIQ NARGAL)

JUDGE

SRINAGAR
02.06.2025
Hilal Ahmad