

Serial No. 52
Reg Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP (C) No. 443/2024
Along with connected matters

Ali Mohammad Sofi **...Petitioner (s)**
Through: Mr. Parveez Ahmad Wani, Advocate.

VERSUS

Union Territory of J&K and Ors.
Through: Mr. Ilyas Nazir Laway, GA. **...Respondent(s)**

CORAM:
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.

ORDER
30.08.2025

WP (C) No. 443/2024:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

The petitioner has not complied the order dated 06.03.2024.

There is no representation on behalf of the petitioner. It seems that the petitioner has lost interest to prosecute this petition any further. Accordingly, the writ petition shall stand dismissed for non-prosecution.

Interim direction(s), if any, subsisting as on date, shall stand vacated.

WP (C) No. 463/2023:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

Petitioners No. 1 and 4 have already crossed 60 years of age, as such, the prayer sought by them in this Writ Petition cannot be granted. Accordingly, the

Writ Petition shall stand dismissed to their extent only and the interim direction dated 6th of March, 2023 shall stand vacated *qua* petitioners No. 1 and 4.

Insofar as the other petitioners are concerned, they have impugned the engagement of the private respondents as Lambardars of their respective villages, whereby they were replaced.

The orders impugned in this petition dated 6th of March, 2023, 8th of February, 2023 and 8th of January, 2023 were stayed by the Coordinate Bench of this Court. The private respondents were engaged only for a period of six months.

The official respondents have not filed their response. Mr. Laway, learned GA, has submitted that the official respondents may be directed to hold elections for the post of Lambardar of the concerned villages within a stipulated period of time.

In view of above, the official respondents are directed to hold elections for the post of Lambardar of the concerned villages as mentioned in the writ petition, within a period of three months from the date of receipt of a certified copy of this order. Till then, the order dated 6th of March, 2023 shall remain in operation *qua* petitioners No. 2 and 3 only.

Disposed of.

WP (C) No. 996/2023:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

The order impugned dated 25th of February, 2023, whereby Respondent No. 6 was engaged as Lambardar for the village Baghatpora, Tehsil Handwara, District Kupwara, was stayed by the Coordinate Bench of this Court vide order dated 1st of May, 2023.

The petitioner has basically placed reliance upon interim order dated 8th of November, 2017 passed in OWP No. 1809 of 2017, which already stands decided by this Court.

The respondents have not filed their response. Mr. Ilyas Nazir Lave, learned Government Advocate, appearing for the respondents, has submitted that the official respondents may be directed to hold elections for the post of Lambardar for the village Baghatpora, Tehsil Handwara, District Kupwara within a stipulated period of time.

In view of above, the present petition is disposed of by directing the official respondents to hold elections for the post of Lambardar for the Baghatpora, Tehsil Handwara, District Kupwara within a period of three months from the date of receipt of a certified copy of this order. Till then, the interim order shall continue to remain in operation.

Disposed of.

WP (C) No. 1375/2023:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.
Mr. Saleem Parray, Advocate for Private Respondent.*

Learned counsel appearing for the private respondents has submitted that, at present, the private respondents are only interested in ensuring that the official respondents conduct the elections for the posts of Lumberdar for the concerned villages of Kokernag, Anantnag in accordance with law as expeditiously as possible, to which Mr. Laway, learned Government Advocate, appearing for the respondents, has no objection.

In view of the above, the present petition is disposed of by directing the official respondents to hold elections for the posts of Lumberdar for the concerned villages of Kokernag, Anantnag within a period of three months from the date of receipt of this order. The official respondents shall further consider and release the honorarium in favour of the persons who have actually worked with the official respondents as Lambardars.

Disposed of.

WP (C) No. 1668/2023:

*Mr Parveez Ahmad Wani, Advocate for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

The petitioner has filed the present petition, thereby impugning order dated 18th of February, 2023, issued by Respondent No. 3, to the extent of appointment of the private respondent as Lambardar for the village Sarmarg, Handwara, Kupwara.

The private respondent was appointed for a period of six months. This writ petition was filed in the year 2023 and the order impugned by the petitioner was not stayed.

Mr. Ilyas Nazir Laway, learned Government Advocate appearing for the respondents, has submitted that the official respondents may be directed to hold elections for the post of Lambardar for the village Sarmarg, Handwara, Kupwara within a stipulated period of time.

In view of above, the present petition is disposed of by directing the official respondents to hold elections for the post of Lambardar for the village Sarmarg, Handwara, Kupwara within a period of three months from the date of receipt of a copy of this order.

Disposed of.

WP (C) No. 2479/2023:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

The petitioner has impugned order dated 9th of August, 2023, whereby the private respondent was engaged as Lambardar temporarily for village Towkalpora, Tangmarg. A further prayer has also been made in the petition seeking a direction to the respondents to allow the petitioner to continue to work as Lambardar for the aforesaid village.

The impugned order was stayed by the Coordinate Bench of this Court on 20th of September, 2023. The order impugned in this petition was subject to confirmation by the competent authority.

Mr. Ilyas Nazir Laway, learned GA appearing for the respondents, has submitted that the official respondents may be directed to hold elections for the post of Lambardar for village Towkalpora, Tangmarg within a stipulated period of time.

In view of above, the present petition is disposed of with a direction to the official respondents to hold elections for the post of Lambardar for Towkalpora, Tangmarg within a period of three months from the date of receipt of a certified copy of this order. Till then, the order dated 20th of September, 2023 passed by this Court shall remain in operation.

Disposed of.

WP (C) No. 2895/2023:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

In the present petition, the relief sought by Petitioners No. 2, 3, 5, 10, 12, and 14 cannot be granted, as they have already crossed the age of 60 years as on date.

The petitioners have assailed order dated 31st March, 2023, whereby the private respondents were engaged as Lumbardars for their respective villages for a period of six months. A further prayer has also been made seeking a direction to the respondents to allow the petitioners to continue as Lumbardars in their respective villages. No interim directions have been issued in this case.

The respondents, however, have not filed their reply. Mr Laway, learned Government Advocate, appearing for the respondents submitted that the official respondents may be directed to hold elections for the post of Lambardar for the concerned villages relating to the petitioners within a stipulated period of time.

In view of above, the present petition is disposed of with a direction to the official respondents to hold elections for the post of Lambardar for the concerned villages relating to the petitioners within a period of three months from the date of receipt of a certified copy of this order.

Disposed of.

WP (C) No. 2955/2023:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

The petitioners have impugned orders dated 18th March, 2023 and 18th May, 2023, issued by Respondent No. 4, whereby the private respondents have been appointed as Lumberdars for a period of six months in their respective villages.

In terms of the J&K Lumberdari Rules, 1980, the respondents are under an obligation to conduct elections for the post of Lumberdars. The impugned orders,

whereby private respondents were engaged as Lumberdars, were not stayed by this Court. Otherwise also petitioner Nos. 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 15 to 21, 27 to 30, 32 and 33 have crossed the age of 60 years.

Though, reply has not been filed by the respondents, Mr. Laway, learned Government Advocate, appearing on behalf of the official respondents, submits that the respondents may be directed to hold elections for the post of Lumberdars of the concerned villages relating to the petitioners within a stipulated period.

In view of above, the present petition is disposed of with a direction to the official respondents to conduct elections for the post of Lumberdars in the concerned villages relating to the petitioners within a period of three months from the date of receipt of a copy of this order.

Disposed of.

WP (C) No. 3008/2023:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

The petitioners, through the medium of the present petition, have assailed the impugned orders whereby the private respondents were engaged as Lumberdars. Further, a prayer is made for directing the official respondents to allow the petitioners to perform their duties as Lumberdars and not to disengage them.

The private respondents were appointed as Lumberdars for a period of six months, which period has since expired. The impugned orders were not stayed by this Court.

Despite opportunity, the respondents have not filed their reply, however, Mr. Laway, learned Government Advocate appearing for the respondents, submits

that the official respondents may be directed to hold elections for the post of Lumberdar of the concerned village within a stipulated time.

In view of above, the present petition is disposed of with a direction to the official respondents to conduct elections for the post of Lumberdar for the concerned villages relating to the petitioners within a period of three months from the date of receipt of a copy of this order.

Disposed of.

WP (C) No. 902/2024:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

The petitioners have assailed orders dated 18th March, 2023 and 18th May, 2023 issued by Respondent No. 3, whereby the private respondents were appointed as Lumberdars. The orders impugned in this petition were not stayed by this Court.

The appointment of Lumberdars made without conducting elections cannot be permitted to continue indefinitely.

Confronted with this situation, Mr. Laway, learned counsel appearing for the respondents, submits that the official respondents may be directed to hold elections for the post of Lumberdars of the concerned village within a stipulated period.

In view of the above, the present petition is disposed of with a direction to the official respondents to conduct elections for the post of Lumberdars of the concerned villages relating to the petitioners within a period of three months from the date of receipt of a copy of this order.

Disposed of.

WP (C) No. 1291/2024:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

The petitioner, prior to the filing of this petition, had earlier filed petition bearing WP (C) No. 1785 of 2023, which was disposed of by this Court vide order dated 24th July, 2025, leaving it open for the official respondents to hold elections in accordance with the rules.

In the present petition, the petitioner has assailed order dated 2nd of June, 2023, whereby his appointment as Lambardar of the village was cancelled.

Though the respondents have not filed their response, Mr. Laway, learned counsel appearing for them, submitted that appropriate orders may be passed.

A perusal of the impugned order reveals that the same has been passed on the recommendations of the concerned Tehsildar and it appears that no opportunity of being heard was afforded to the petitioner.

In view of the above, the present petition is disposed of in terms of order dated 24th of July, 2025 passed in WP (C) NO. 1785/2023. Till such elections are held, the petitioner shall be permitted to continue, provided no fresh appointment has been made in his place. The official respondents are further directed to consider and release the honorarium in favour of the petitioner for the period he has actually discharged duties as Lambardar.

Disposed of.

WP (C) No. 263/2025:

*None for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

The petitioner has filed the present petition seeking a direction upon the respondents to allow him to perform the duties of Lambardar of the village Kitchama, Baramulla and further for release of withheld remuneration from the date of his appointment i.e., 27th February, 2024.

Vide order dated 13th of February, 2025, this Court directed that the present status of the petitioner as Lambardar shall not be disturbed and that he shall also be paid his remuneration.

Though, the respondents have not filed the response, Mr Laway, learned counsel appearing for the respondents, submits that the official respondents may be directed to conduct elections for the post of Lambardar within a stipulated time.

In view of the above, the present petition is **disposed** of in terms of order dated 13th February, 2025, with a further direction to the official respondents to conduct elections for the post of Lambardar of the village Kitchama, Baramulla within a period of three months from the date of receipt of a copy of this order.

Disposed of.

WP (C) No. 870/2025:

*Mr Ashiq Hussain Shah, Advocate for the petitioner;
Mr Ilyas Nazir Laway, GA for the respondents.*

Learned counsel for the petitioner has fairly submitted that the present petition may be disposed of by directing the official respondents to hold elections for the post of Lambardar of village Buchoo, Kokernag within a stipulated period of time, and further to release the honorarium for the period the petitioner has actually worked as Lambardar with the official respondents.

The respondents have not filed their response, however, Mr. Laway, learned Government Advocate, appearing for the respondents, submits that the official

respondents may be directed to hold elections for the post of Lambardar of the village Buchoo, Kokernag within a stipulated period of time.

In view of above, the present petition is disposed of with a direction to the official respondents to conduct elections for the post of Lambardar for village Buchoo, Kokernag within a period of three months from the date of receipt of a copy of this order. The official respondents shall further consider and release the honorarium in favour of the petitioner for the period he has actually worked with the respondents as Lambardar. In the event the petitioner has not been replaced prior to 30th April, 2025, the order of status quo dated 30th April, 2025 shall remain in operation for a further period of three months from the date of passing of this order.

The petition is, accordingly, **disposed** of.

Registry to place a copy of this Order on each connected file.

(Rajnesh Oswal)
Judge

SRINAGAR
30.08.2025
Showkat Khan