

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) 457/2023 CM(1094/2023)

**GHULAM MOHAMMAD TANTRAY AND
OTHERS**

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

Through: Mr. Parveez Ahmad Wani, Advocate

Vs.

**JOINT AGRARIAN REFORMS
COMMISSIONER/ADDITIONAL DEPUTY
COMMISSIONER GANDERBAL**

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy.AGfor R-1&2
Mr. Umar Rashid Wani, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER
04.07.2025

1. The petitioners have invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India to call in question the order dated 12.02.2021 passed by the Additional Deputy Commissioner Ganderbal, (with powers of Joint Agrarian Reforms Commissioner) whereby the appeal filed by respondent No. 3 against the order dated 31.12.1986, Mutation No. 1042 of village Theeru entered under Section 12 of Agrarian Reforms Act attested by Tehsildar concerned and order dated 19.12.1985 Mutation No. 993 attested under Section 4 of the Agrarian Reforms Act by the concerned Tehsildar, has been allowed and a huge delay of about 33 years has been condoned. The order has been assailed by the petitioners, primarily on the ground that without spelling out reasons and findings, such a huge delay cannot be condoned.
2. The learned counsel for the petitioners submits that the order passed by the Additional Deputy Commissioner, Ganderbal, exercising the powers of Joint Agrarian Reforms Commissioner on 12.02.2021 is non-speaking and unsustainable in law, as the condonation of such a huge delay was not

justified and, as such, the consequential order passed by the Additional Deputy Commissioner, Ganderbal, is also not sustainable in law. He further submits that there is a delay of around 33 years in filing the appeals by the respondents and such huge delay should be condoned only after spelling out the reasons for the condonation.

3. Heard learned counsel for the parties.
4. With the consent of the learned counsel for the parties, the instant petition is taken up for final disposal at the very threshold. The learned counsel appearing on behalf of the parties unanimously submitted that the issue which has been projected in the instant petition is covered by the judgment of the coordinate Bench of this Court passed in case titled ***“Ghulam Ahmad Beigh Vs. Union Territory of J&K and Others”*** decided on 10.07.2023.
5. For the foregoing reasons and also in the light of what has been held by the coordinate Bench of this Court in the case mentioned *supra*, this Court deems it proper to allow this petition and set aside the order dated 24.02.2021, which is impugned in the present petition, passed by the Additional Deputy Commissioner Ganderbal, exercising the powers of Joint Agrarian Reforms Commissioner. ***Ordered accordingly.***
6. The matter is remanded back to the concerned Additional Deputy Commissioner, Ganderbal, (with the powers of the Joint Agrarian Reforms Commissioner) to take up the application of the private respondents (petitioners herein) for consideration on merits.
7. The appeal shall be taken up for consideration on merits only in the eventuality if the Additional Deputy Commissioner, Ganderbal, exercising powers of the Joint Agrarian Reforms Commissioner decides to condone the delay. Needless to reiterate that the application for condonation of delay shall be considered and decided in the first instance by the

Additional Deputy Commissioner, Ganderbal, on merits by passing a speaking/reasoned order.

8. The matter shall be taken up and decided by the Additional Deputy Commissioner, Ganderbal, exercising the powers of Agrarian Reforms Commissioner, within two weeks from the date copy of this order is made available to him and shall make an endeavor to dispose of the matter within the aforesaid period positively.
9. Writ petition is ***disposed of*** along with connected CM in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:

04.07.2025

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