

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(S) 115/2024 in[OWP 1466/2016].

MST. HAJIRA.

...Petitioner(s)

Through: Mr. Rizwan ul Zaman, Advocate.

VERSUS

SAJAD AHMAD WANI.

Through: Mr. Faheem Nisar Shah, Government Advocate.

...Respondent(s)

CORAM:

HON'BLE MR. WASIM SADIQ NARGAL, JUDGE.

ORDER
18.11.2025

01. The instant contempt petition arises out of the order/judgment passed by this Court dated 12th of December, 2023 passed in OWP No. 1466/2016 by virtue of which the following directions were issued:

4. *Learned counsel for the contesting parties have reached to a consensus that this petition can be disposed of by removing the observations made by the Financial Commissioner Revenue in the impugned Order with regard to the consideration of the 1/3rd of the property based on 'Will Deed' and application of Shariat Law while conducting de novo enquiry by Tehsildar, for fresh mutation. This Court is of the opinion that the matter can be left open to Tehsildar concerned while conducting de novo enquiry with regard to the rival claims including that of applicability of Muslim Personal Law or even the Customary Law, if applicable to the parties.*
5. *Having regard to the pleadings and submissions urged at the bar, the instant writ petition is disposed of at this stage upholding the impugned order whereby, Tehsildar Agrarian Reforms Anantnag has*

been directed to hold a de novo enquiry and pass fresh orders with regard to mutation in the case with the following direction:

The Tehsildar concerned while holding de novo enquiry before passing of the fresh orders shall take into account the rival submissions with regard to their claims in accordance with Customary Law, if applicable, and also the Muslim Personal Law, unmindful of the directions in this regard passed by the learned Financial Commissioner Revenue vide impugned Order dated 10.06.2015.

02. Since the aforesaid order was allegedly not complied with, the instant contempt petition was preferred by the petitioner and notice was issued on 1st of April, 2024.

03. Mr. Faheem Nisar Shah, learned Government Advocate appearing on behalf of the respondent has drawn the attention of the Court to the Statement of Facts filed on behalf of respondent No. 1 on 9th of August, 2024. A perusal thereof reveals that the order/judgment passed by the learned Writ Court has been complied with in *toto*. For the sake of reference, he has specifically drawn the attention of the Court to Paras 3 and 4 of the compliance report filed on behalf of respondent No. 1 which are reproduced as under:

3. That in compliance supra the answering respondent summoned and heard both the parties at length on various dates 13.01.2024, 27.01.2024 and 22.02.2024 perused the relevant records including Shajra Nasab of the parties. During the examination of the revenue record it has been transpired that the petitioner namely Mst. Hajira is the real daughter of Naba Mir R/o Brenty Batpora, Tehsil Anantnag and adopted daughter of deceased Mst. Sajah alias

Sabah daughter of Mohammad (estate holder). The Mohammad was having his two sons namely Ghulam Nabi and Mohammad Subhan. While the petitioner claiming to be the adopted daughter of the deceased estate holder sought the entire landed property may be devolved in her name. The respondents claimed that being the legal decedents of the estate holder namely Mohammad the landed property left by deceased by Mst. Saja be devolved/mutated as per Shariat Act 2007. Both the parties filed separate applications for attestation of mutation in their favour before the office of the answering respondents.

4. That since the dispute of the parties in the instant case is related to the attestation of landed estate of deceased Mst. Sajah (Sabah) who died issueless. After hearing both the parties and taking into consideration all the relevant revenue record especially the pedigree table (Sajarah Nasab) of entire clan a proper mutation has been attested in favor of the parties with respect to the left over property of the deceased Mst. Sajah (Sabah) as per the Shariat Act 2007. The petitioner as per the said act has been rightly placed in the pedigree table as the real daughter of Ghulam Nabi (Naba) and the due share to which the petitioner is entitled has been devolved/mutated in her favour out of the landed property of the deceased Mst. Sajah (Sabah) including other co sharers.

04. Thus, in light of the stand taken by the respondent in the Statement of Facts, this Court is of the view that the order/judgment passed by this Court has been fully complied with in its letter and spirit. Accordingly, the proceedings in the instant contempt petition are closed and the rule, if any, shall stand discharged.

05. However, the dismissal of the writ petition shall not come in way of the petitioner from seeking appropriate remedy against the findings recorded by respondent No. 1 in the Statement of Facts.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR

18.11.2025

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