

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

WP(C) No.761/2023

GHULAM MOHAMMAD AHANGAR

...Petitioner/Appellant(s)

Through: Mr. Bilal Ahmad Khan, Advocate.

Vs.

ADDITIONAL DEPUTY COMMISSIONER BUDGAM AND ...Respondent(s)
ORS.

Through: Mr. Z. A. Qureshi, Sr. Advocate with
Mr. Anurag Verma Jain, Advocate.
Mr. Ilyas Nazir Laway, GA.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

16.10.2025

(ORAL)

1. The petitioner in the instant petition filed under Articles 226 of the Constitution is seeking quashing of orders dated 08-03-2023, passed by Commissioner Agrarian Reforms/Additional Deputy Commissioner Budgam, in two appeals titled "*Ghulam Mohammad Ahangar vs. Ramzan Ahangar and Another*".

2. Facts emerging from the record would reveal that petitioner herein preferred two time barred appeals being ARA/301/2022 and ARA/302/2022 on 05-10-2021, before Collector Agrarian Reforms/Additional Deputy Commissioner Budgam, (for short "the appellate authority") accompanied with two independent applications for condonation of delay, in which appeals mutations dated 17-03-1980 and 14-08-2014, attested under Sections 4 and 8 of the J&K Agrarian Reforms Act 1976, respectively, came to be challenged and the said challenge was based on the premise that the land in respect of which the impugned mutations have been attested is owned by the appellant notwithstanding the possession of the land was with the respondents as the appellant herein was residing in different village namely Kralpora Chadoora for last more than 40 years and that the appellant became

aware of the said mutations in the month of May 2022 only and that therefore from the date of gaining of said knowledge, limitation would start reckoning against the appellant herein for filing the said appeals and that delay having occasioned in the matter in preferring the said appeals was neither deliberate nor intentional and that the mutations have had been attested at his back.

3. The appellate authority after summoning the respondents therein the appeals being private respondents herein considered the application for condonation of delay and consequently in terms of order dated 08-03-2023 declined to condone the delay and consequently dismissed the applications as also the accompanying appeals holding the appeals not maintainable.

4. Petitioner herein has maintained the instant petition *inter alia* on the premise that the subject matter land in question comprising of 08 kanals and 14 marlas falling under Survey No.216 came to be got fraudulently mutated by the private respondents in connivance with the official respondents under Section 4 and 8 of the Act of 1976 in that, the said land have had been vested unto the petitioner and his sister namely Mst. Zoonal legally upon the death of his father and mutation bearing No.190 have had also been attested in respect thereof and that the petitioner after coming to know about the impugned mutations only when he applied for the copies of the revenue extracts of the said land to the Patwari, who refused to issue the same whereafter the petitioner approached Naib Tehsildar in this regard, and the same were furnished to the petitioner on 09-05-2022 whereafter the petitioner maintained the appeals, along with the application for condonation of delay thereof and that the appellate authority however, straightway dismissed the condonation of delay applications, along with the appeals in terms of impugned orders in violation of settled position of law.

5. **Objections** to the petition have been filed by respondents, wherein the petition is being opposed, *inter alia*, on the premise that the mutations in question came to be challenged by the petitioner herein before the appellate forum stands attested in favour of the answering respondents legally and validly, and that the petitioner herein challenged the said mutation after a period of more than 40 years, and that the daughter of the petitioner as per his own showing had applied to the revenue authorities for issuance of a Permanent Resident Certificate in the year 2010, which, however, had been

refused to her on the ground that there was no land recorded in the name of her father and that the petitioner thus have had the knowledge about the said mutations in the year 2010 itself, yet the petitioner chose to challenge the mutations in question after a considerable period of time, without submitting any plausible explanation in this regard.

Heard counsel for the parties and perused the record.

6. Perusal of the record would indisputably reveal that the mutations dated 17-03-1980 and 14-08-2014 have been called in question by the petitioner herein in the appeals before the appellate authority on 05-10-2021.

Further perusal of the applications seeking condonation of delay accompanying the said appeals tends to show that, indisputably petitioner herein has not expressed any plausible, cogent, sufficient reason for condonation of delay, except having made a cryptic averments without indicating and disclosing any sufficient cause for seeking condonation of delay in preferring the appeal against mutations of the year 1980 and 2014 respectively.

7. Perusal of the impugned orders also suggest that the appellate authority has been alive to the contents of the applications inasmuch as the facts of the case set up therein and seemingly has rightly adverted to the applications and passed well reasoned orders, which thus does not call for any interference.

8. Resultantly the petition fails and is accordingly, **dismissed**.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

16.10.2025

Ishaq

Whether order is speaking ? Yes/No

Whether approved for reporting ? Yes/No