

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

WP(C) 741/2024 CM (1958/2024) CM (6237/2025)

Smt. Rosha Parveen and Anr

...Appellant/Petitioner(s)

Through: Mr. Ishrat Maqbool Bhat, Advocate

Vs.

Jammu and Kashmir Bank Ltd and Ors

...Respondent (s)

Through: Mr. N.A. Dendru

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

24.12.2025

1. Impugned in this petition filed by the petitioners is essentially an auction notice dated 26th May, 2023, issued by the Authorized Officer of J&K Bank Limited, Zonal Office Budgam Zainakote, Srinagar.
2. The challenge to the auction notice is raised on the ground that the same is not in tune with the order of the Chief Judicial Magistrate, Pulwama dated 23rd March, 2023, passed in File No. 49/2023 titled J&K Bank Limited vs. Nisar Hussain Dar and Anr.
3. It is submitted by learned counsel for the petitioners that, as is clarified by the Chief Judicial Magistrate, Pulwama, what is mortgaged by the mortgager-Ali Mohammad Malla is land measuring 1 Kanal 10 Marlas falling under Khasra No. 1819/1040 min, Khata No. 516, Khewat No. 84 along with a commercial construction raised on 2 ½ Marlas thereof.
4. It is submitted that although the petitioners are not aggrieved of the auction of 1 Kanal and 10 Marlas owned by the mortgager-Ali Mohammad Malla, yet in the garb of auctioning the said mortgaged land, the respondent-Bank cannot put to auction a commercial building i.e. J&K Bank

Branch housed at separate 10 Marlas gifted to the petitioner No. 1 by her father namely Ali Mohammad Malla.

5. The Bank Branch which, as per the petitioners, is housed on 10 Marlas has been leased out by the petitioner No. 2 in favour of the Bank.

6. Having heard learned counsel for the parties and perused the material on record, we find that the dispute, as to the location of the Bank Branch, has already been considered and set at rest by the Chief Judicial Magistrate in its order dated 23rd March, 2023 (supra), wherein the Chief Judicial Magistrate, Pulwama, has directed the SHO Police Station, Litter, Pulwama to take over the possession of the subject land i.e. land measuring 1 Kanal 10 Marlas with construction spread over only 2 ½ Marlas, which is a commercial building of the J&K Bank. It is this land which alone can be put to auction. Since, the auction notice is not very clear on this aspect, as such, with a view to remove doubts and to avoid further litigation on the issue, we direct that there shall be auction of mortgaged land identified by the Chief Judicial Magistrate, Pulwama, i.e. only 1 Kanal and 10 Marlas along with commercial building of the J&K Bank premises B/U Litter, Pulwama spread over 2 ½ Marlas situated at Estate Litter, Shister, District Pulwama falling under Khasra No. 1819/1040 min, Khata No. 516, and Khewat No. 84.

7. With the aforesaid clarification and the direction which we have issued, there remains nothing in this petition to adjudicate this.

8. This petition is, accordingly, **disposed of**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

24.12.2025

"Shahid Manzoor"