

S. No. 168
Supp. Cause List

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

WP(C) No. 942/2025

NAZIR AHMAD DAR AND ORS.

...Appellant/Petitioner(s)

Through: Mr. Asif, Adv. vice
Mr. Qazi Ayaz, Adv.

Vs.

UT OF J&K AND ORS.

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

30.04.2025

By the petition in hand the petitioners are challenging and seeking quashment of the orders dated 18.07.2022 passed by the Collector/Deputy Commissioner Budgam in appeal bearing File No. 262/DCB titled as Mst. Zooni vs. Bashir Ahmad & Ors; 27.03.2023 passed by the Additional Commissioner Kashmir in the revision petition titled as Mst. Raja & Anr. vs. Mst. Zooni & Ors., and 30.01.2025 passed by the learned Financial Commissioner (Revenue) J&K in the revision petition bearing File No. 694/FC-AP titled as Mohammad Jalal & Anr. vs. Mst. Zooni & Ors. passed in respect of land falling under mutation No. 115 of village Gota-Pora Teshil Narbal District Budgam.

Briefly put the issue raised in the petition is that the revenue authorities i.e., Collector/Deputy Commissioner Budgam in the appeal, Additional Commissioner Kashmir in the revision petition

and the Financial Commissioner Revenue J&K in revision petition have not appreciated the controversy in respect of the land supra in its right perspective and the counsel engaged by the petitioners all along in the litigation before the revenue authorities has mishandled the case resulting in passing of the orders challenged in this petition.

The petitioners in the writ petition, *inter alia*, plead that they are the legal heirs of one Abdul Rahim Rather in their capacity as his Sons/Daughters and a Widow and the claim projected by the respondent No. 6 in respect of the landed estate left behind by the deceased father of petitioners 1 to 5 and husband of petitioner No. 6, Abdul Rahim Rather is misconceived as being the daughter of said Abdul Rahim from his first wife therefore entitled to the share of a daughter from the said landed estate of the deceased Abdul Rahim Rather.

The petitioners plead that the respondent No. 6 had, in disregard of the pendency of a civil suit on the subject, filed an appeal before Deputy Commissioner Budgam/Collector seeking setting aside of the mutation No. 115 of village Gota-Pora Tehsil Narbal District Budgam attested in favour of the petitioners in their capacity as the legal heirs of the said Abdul Rahim Rather. The proceedings in the said appeal are stated to have halted due to Covid-19 Pandemic after appearance of the petitioners and later on the said appeal was revived without further notice to the petitioners for appearance resulting in passing of

ex-parte order dated 18.07.2022 against the petitioners which came to be challenged by a revision petition by some of the petitioners on the ill advice of the learned counsel which could not succeed and later on again another revision petition was preferred again by a few petitioners which too did not succeed.

Feeling aggrieved of the aforesaid orders passed by the revenue authorities in the appeal as also in the revision petitions, the petitioners have filed the instant petition to seek quashment of the said orders primarily on the grounds that the petitioners were not put to notice by the Deputy Commissioner Budgam/Collector after revival of the appeal post Covid-19 Pandemic and the subsequent mishandling of the matter by the learned counsel.

This court in its writ jurisdiction cannot adjudicate upon the issue of respondent No. 6 being the daughter of deceased Abdul Rahim Rather or not as the same is a matter of trial/evidence. No good ground is made out by the petitioners that may warrant interference of this court.

The petition is held to be misconceived, therefore, dismissed along with all connected CMs at its threshold. However, the petitioners are at liberty to work out their remedy as may be available under law.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
30.04.2025
Sakeena