

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

WP(C) 970/2024

Rattan Lal Khar and Anr

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

Through: Mr. Mir Manzoor Ahmad, Advocate.

Vs.

**Union Territory of J and K and
Ors.**

...Respondent(s).

Through:

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER

06.10.2025

1. The matter is taken out of turn on mention.
2. There is no representation on behalf of the respondents.
3. The case of the petitioners in nutshell is that petitioner No. 1 namely Rattan Lal Khar aged 72 years adopted S/O Shri. Tara Chand R/O Zainapora, Tehsil and District Shopian at present Saraswati Vihar, Bohri District Jammu, through his lawful attorney Farooq Ahmad Itoo aged 52 years S/O Mohammad Akbar Itoo R/O Chermarg Zainapora, Tehsil and District Shopian, at present Yaripora, District Kulgam, has applied to the Office of the Respondent No. 2 in terms of the provisions of Jammu and Kashmir Migrant Immovable Property (Protection, Preservation and Restraint on Distress Sales) Act, 1997, for issuance of permission in connection with the sale of his land measuring 2 Kanals falling under Khasra No. 476 min (new 1003/476) situated at Reban Tehsil Zainapora and District Shopian long earlier as on 04.12.2007. That the said application of the petitioner No. 1 (migrant) filed through his lawful attorney has not been addressed to under law by the said respondent No. 2 which has been a source of great hardship for the petitioners. That the inaction on the part of the respondents has constrained the petitioners to approach this Court through the medium of the instant writ petition filed under Article 226 of the Constitution of India.

4. The petitioners have accordingly sought the issuance of directions/writs in the nature of mandamus for commanding upon the respondent No. 2 to address the pending application of the petitioner No. 1 filed in connection with the issuance of the necessary permission for sale of his land as afore-mentioned. Issuance of writ of mandamus has also been sought against the respondents 3 and 4 for issuance of necessary revenue papers in connection with the issuance of the aforesaid permission.

5. Having regard to the grievance of the petitioners as projected through the medium of the instant petition, this Court is of the opinion that it may meet the ends of justice in case the instant petition is disposed of at this threshold stage by passing of appropriate directions, action under which is otherwise to be taken by the respondents as a part of their statutory duty.

6. Accordingly, the instant petition is disposed of at this threshold stage with the direction to the respondent No. 2 i.e., Divisional Commissioner, Kashmir, to address the pending application of the petitioner No. 1 for issuance of the necessary permission for sale of his land, in accordance with the law in an expeditious manner and not later than a period of 8 Weeks from the date, a copy of this order is left at his office.

7. The respondents 3 and 4 are also accordingly directed to issue the necessary revenue papers in accordance with law and the procedure.

8. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR

06.10.2025

"Shahid Manzoor"