

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

**WP(C) 1049/2025
CM(2735/2025)**

Zahoor Ahmad Ganai & Ors.

...Petitioner(s)

Through: Mr. Firdous Ahmad Bhat, Advocate.

Vs.

Union Territory of J&K and Others.

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy. AG.

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

ORDER

07.05.2025

01. The learned counsel for the petitioners has drawn attention of this Court to the various representations, which have been filed by the petitioner before the respondents, alleging encroachment of the State land and the latest one has been filed before the Divisional Commissioner, Kashmir on 25th April, 2025, by virtue of a complaint, whereby the petitioners have sought removal of illegal encroachment and illegal boundary walling over the State land (Mafooz Kahcharai) bearing Khasra No. 1699 falling in Mouza Nagam, Tehsil Chadoora, District Budgam, by the respondents 9 to 12 and no action has been taken thereafter by the respondent authorities.

02. The learned counsel has also drawn attention of the Court to the order passed by the concerned Naib Tehsildar as

Executive Magistrate, in the year 2024, when the said land was encroached by the private respondents and the concerned Executive Magistrate vide order dated 20th November, 2024, attached the said land and handed over to the concerned Chowkidar on suprudnama. The order further reveals that in case there will be any violation, then a fine of Rs. 50,000/- shall be imposed.

03. The learned counsel submits that again the aforesaid land has been encroached by the private respondents and feeling aggrieved of the same, various representations from time to time have been preferred before the respondent authorities, who have not taken any action and aggrieved of the same, the instant writ petition has been preferred.

04. The learned counsel for the petitioners submits that he would feel satisfied if the present writ petition is disposed of at this stage by directing the respondent-Divisional Commissioner, Kashmir, to take a decision on the representation moved by the petitioners by way of a complaint and has been placed on record as Annexure-V, in accordance with law and the rules, within some reasonable timeframe.

05. Heard learned counsel for the parties and perused the material on record.

06. On the asking of the Court, Mr. Bikramdeep Singh, learned Deputy Advocate General has caused appearance on behalf of respondents and is not averse to the disposal of the present writ petition at this stage or else to the submission

made by the counsel for the petitioner. However, he submits that the case of the petitioners would be considered in accordance with the rules and as per law occupying the field.

07. Without issuing formal notice in the instant case, the same is taken up for final disposal with the consent of the learned counsel for the parties at its threshold and is accordingly disposed of by directing the respondents more particularly respondent No. 2-Divisional Commissioner, Kashmir, to take a decision on the representation, alleged to have been filed the petitioners on 25th April, 2025, which has been placed on record as Annexure-V, strictly in conformity with the rules and as per law, within a period of four weeks, from the date a copy of this Order along with copy of writ petition as also the annexures appended with the writ petition, is made available to the said respondent. The decision which is likely to be taken by the respondent No. 2-Divisional Commissioner, Kashmir, be provided to the petitioners through registered post.

08. Writ petition **disposed** of along with connected CM in the manner as indicated above.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

07.05.2025

"HAMID"