

S.No.92

Supp. List

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

WP(C) 1090/2025
CM(2889/2025)

MOHAMMAD SIDIQ BHAT

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

Through: Ms.Mehjabeen Gulzar, Advocate

Vs.

UNION TERRITORY OF J & K AND ORS.

...Respondent(s)

Through: Ms. Nadiya Abdullah, AC vice
Mr. Mohsin ul Showkat Qadri, Sr.AAG**CORAM:****HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE****ORDER****30-05-2025**

1. The petitioner, through the medium of the present petition, filed under Article 226 of the Constitution of India, has sought the following relief(s):

- a. By issuance of an appropriate writ of certiorari, quashing the impugned communication dated 11.03.2025.
- b. By issuance of a writ of mandamus commanding the respondents to immediately issue the necessary revenue extracts including intikhab girdawari, jamabandi, of course, by depicting that said piece of land is mortgaged with the Jammu & Kashmir Bank.

2. Perusal of the record reveals that the instant petition was taken up by this Court on 14th May, 2025, on which date, this Court directed Ms. Nadiya Abdullah, learned Assisting Counsel to Mr. Mohsin-ul-Showkat Qadri, learned Senior AAG, for the respondents, to have instructions in the matter and also to

produce the record related to the case which led to the passing of the communication dated 11th March, 2025, which is impugned in the present petition whereby, a direction has been issued by the concerned Additional Deputy Commissioner, Srinagar to the Tehsildar Central Shaltengh, Srinagar, not to issue any revenue extract in respect of the entire chunk of the land and its vicinity till the pendency/outcome of the case pending before this Court.

3. Since the aforesaid communication was by way of a blanket order adversely affected the rights of the petitioner, this Court deemed it proper to direct Ms. Nadiya Abdullah, learned Assisting Counsel vice Mr. Mohis-ul-Showkat Qadri, learned Sr. AAG, to produce the record and to render assistance.
4. Today, when the case was taken up for consideration, Ms. Nadiya Abdullah, learned Assisting Counsel appeared for the respondents and submitted that after perusing the original record, it has come fore that land measuring 64 kanals 09 marlas 136 sqft. stands registered in the name of the petitioners, their father, and their uncle vide various mutations, which finds mention in a communication dated 19.08.2024 addressed by Tehsildar Central, Srinagar to the Assistant Revenue Attorney, with the Deputy Commissioner, Srinagar.
5. Out of the aforesaid land 31 kanals 10 marlas 136 sqft are recorded in the name of petitioners and their father and the land measuring 32 kanals and 19 marlas has been recorded in the name of one Abdul Rahim Bhat and his other family members.

6. It is further apparent from the record that the petitioners and their father sold 18 kanals and 11 marlas of land through different registered sale deeds, and a quantum of land measuring 12 kanals 19 marlas and 136 sqft is yet unsold. It is further evident that the land is in the form of colony and the land measuring 07 kanals and 7 marlas has come under construction of access roads of 12-14 feet width and the enquiry committee has further held that whether both parties have sold the land with ingress and egress or not, is not clear.
7. It is also apparent from the aforesaid communication that at some stage the Divisional Commissioner, Kashmir, constituted a demarcation team comprising the Tehsildar Eidgah and Naib-Tehsildar Pantha Chowk vide No. Div.Com/Legal/22/773 dated 17.11.2022, in order to verify the revenue records/documents and clarify how the land has become pathways. However, as on date, the said demarcation task has not been concluded. In view of the aforesaid, fards have not been issued to the petitioners for the last three years, despite directions issued from time to time.
8. Heard learned counsel for the parties and perused the material on record.
9. Upon perusal of the record produced by Ms. Nadiya Abdullah, it has come to fore that the sole impediment to the issuance of fards by the respondents is the non-demarcation of the entire parcel of land to date. Had the demarcation process been completed, there would have been no justification for the

appropriate authority to withhold issuance of fards in favour of the respective landowners, including the petitioners.

10. Thus, in view of the peculiar facts and circumstances of the case, this writ petition can be disposed of at its very inception stage.

11. Accordingly, with the consensus of learned counsel appearing for the parties, the writ petition is disposed of with a direction to the team so constituted by Divisional Commissioner, Kashmir vide No. Div.Com/Legal/22/773 dated 17.11.2022 comprising of Tehsildar Eidgah and Naib Tehsildar Pantha Chowk, to conclude the demarcation of the land in question within a period of four weeks from today, without any further delay.

12. Needless to say, that the demarcation team will notify in advance the date of demarcation to all the stake holders including the petitioners and private respondents. Upon conclusion of demarcation, the concerned authority will issue revenue extracts, they have already applied, strictly in conformity with the law.

13. Writ petition is **disposed of** in the manner indicated above.

14. The record is remitted back to Ms. Nadiya Abdullah, learned AC.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
30-05-2025
Mubashir