

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

WP(C) No. 1300/2020

1. *Ghulam Hassan Dar*

...Petitioner(s)

2. *Farooq Ahmad Dar (Sons of Abdul Gani Dar)*

3. *Mohammad Yousuf Dar*

S/O. Ghulam Mohammad Dar.

*All residents of village Pahnoo Banpora Shopian
District Shopian.*

Through: Mr. L.A. Latief, Advocate

Vs.

1. *Union Territory of J&K through Principal
Secretary to Govt. Revenue Department Civil
Secretariat Srinagar.*

...Respondent(s)

2. *Financial Commissioner (Revenue) J&K
Srinagar.*

3. *Divisional Commissioner, Kashmir Srinagar.*

4. *Deputy Commissioner (District Collector)
Shopian.*

5. *Additional Deputy Commissioner, Shopian*

6. *Assistant Commissioner, Revenue Shopain.*

7. *Tehsildar Shopian. (Official respondents)*

8. *Shabir Ahmad Malla*

S/O. Abdul Gani Malla

9. *Irshad Ahmad*

S/O. Abdul Jabbar Naikoo

10. *Altaf Ahmad Malla*

S/O. Mohammad Irbrahim Malla.

11. *Farooq Ahmad Malla*

S/O. Mohammad Ibrahim Malla.

12. Ashiq Hussain Malla

S/O. Ghulam Qadir Malla.

All residents of village Pahlipora Shopain.

Through: Mr. Alla ud Din Ganaie, AAG, for 1 to 7
Mr. Mohammad Yawar, Advocate, 8 to 12

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER
17.11.2025

01. In the instant petition, the petitioner has sought the following reliefs:-

“i. **Writ of Mandamus**, thereby commanding the official respondents to take action in pursuance to the demolition notice dated 20th July, 2020 against the private respondents;

ii. **Writ of Mandamus**, thereby commanding the official respondents to remove the encroachment of the state land falling under survey no. 287 (8 Kanals and 15 marlas) and to take immediate action against the private respondents for removal of the encroachment on spot;

iii. **Writ of Mandamus**, thereby commanding the respondents to lodge criminal prosecution against the private respondents for criminal trespass and damage caused to public property;

iv. **Writ of Mandamus**, thereby commanding the respondent no. 1 to take disciplinary action against the subordinate revenue agencies for their failure to discharge the duty of protection of state land from illegal encroachments;

v. **Writ of Mandamus**, thereby commanding the respondents to demolish the structures raised on the state

*land/kacharie land under survey no. 287
(8 kanals and 15 marlas);*

*vi. **Writ of Prohibition**, thereby
prohibiting the respondents from
demolishing the structure raised by the
petitioner on the subject land.”*

02. Mr. Alla ud Din Ganaie, learned AAG, appearing for the respondents 1 to 7 submits that they have filed action taken report on 5th April, 2025, in which, in compliance to the order passed by this Court on 23rd February, 2024, the concerned Tehsildar was directed to submit latest action taken report in the matter. Accordingly, the Tehsildar concerned has submitted his report vide No TS/OQ/2025/1707 dated 2nd April, 2025, which reveals as under:

“ i. That Khasra No. 287 of village Pahnnoo comprising of land measuring 08 Kanals 15 Marlas is recorded as State land with soil type classified as Banjir-e-qadeem Toozer (mulberry);

ii. That Mohammad Altaf and others sons of Mohammad Ibrahim Malla originally residents of Pahlipora and presently residing in village Pahnnoo have exchanged 02 Kanals 10 Marlas of their proprietary land falling under Khasra No. 24 of village Pahnnoo in lieu of 04 Kanal 10 Malra of State land falling under survey No. 287;

iii. That a mutation regarding the said exchange appears to have taken place. However, since all the revenue records on the said village have been seized by the Anti Corruption Bureau (formerly vigilance) in year

2002, the authenticity of the exchange cannot be verified with certainty;

iv. That Mohammad Altaf and others (herein private respondents) claim to possess the copies of the exchange documents and the subsequent mutation which transferred 02 Kanals 10 Marlas of their proprietary land falling under survey No. 24 to the sericulture department in lieu of 04 Kanals 10 Marlas of State Land falling under survey No. 287;

v. That presently the private respondents are in possession of 04 Kanals 10 Marlas of the exchanged land (falling under survey no. 287). Further, the proprietary land of the private respondents falling under survey no. 24 measuring 02 Kanals 10 Marlas is on spot under the possession of Sericulture Department;

vi. That the private respondents have constructed residential houses on the said exchanged land falling under survey No. 287;

vii. That encroachment from the remaining land falling under survey No 287 has been removed and is vacant on spot.”

03. Thus, in the light of stand taken in the status report filed by the Deputy Commissioner, Shopian pursuant to the action taken report of the Tehsildar, the grievances projected by the petitioner in the instant writ petition stand redressed, as such, no fruitful purpose would be served to keep the instant petition pending before this Court. Accordingly, the writ petition is disposed of in the light of the stand taken by the respondents as also in the light of no objection

being raised by the learned counsel for the petitioner.

04. At this stage, Mr. Alla ud Din Ganaie, learned AAG, submits that insofar as the other reliefs are concerned, a request has been made to the Director ACB, J&K for releasing of the original records of village Pahnoo vide DCS/ARA/2025/01 dated 3rd April, 2025.

05. The writ petition is **disposed of** in the aforesaid terms.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
17.11.2025

"Shamim Dar"

