

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

Reserved on: 23.05.2025

Pronounced on: 13.08.2025

WP(C) No. 1414/2023

Mohammad Farooq Khan

Aged 51 years, S/O Mohammad

Yaqoob Khan R/O Zirhama

Tehsil Trehgam District Kupwara.

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

Through: Mr. M. A. Wani, Advocate.

vs

1. **Union Territory of J&K**
Th. Commissioner/Secretary
Revenue Department, J&K Civil
Secretariat Srinagar/Jammu
2. **Divisional Commissioner**
Kashmir at Srinagar.
3. **Deputy Commissioner,**
Kupwara.
4. **Tehsildar,** Trehgam, Kupwara.
5. **Naib Tehsildar,** Liderwan,
Kawari, Kupwara.
6. **Mohammad Rafiq Malkar**
S/O Abdul Haq Malkar R/O
Zurhama Kupwara.

..... Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA.

**Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL,
JUDGE**

JUDGMENT

1. The petitioner was appointed as Lambardar of village Zurhama temporarily vide order dated 03.09.2009.
2. The grievance projected by the petitioner in the present petition is that the seal of Lambardar has been given to respondent No. 6, who attended the office of Naib Tehsildar on 24.05.2023 and as the petitioner was appointed as

Lambardar, therefore, he has every right to continue as Lambardar till his death/discharge/dismissal/holding of elections. The petitioner has placed reliance upon the interim order passed by this Court dated 08.11.2017 in case titled as **Bashir Ahmad Teli and others Vs. State of J&K and others** bearing **OWP No. 1809 of 2017**, whereby SRO 412 dated 29.09.2017 was stayed by this Court. It is prayed by the petitioner that he be allowed to continue as Lambardar of village Zurhama till his death/ discharge/ dismissal/ holding of elections and the private respondent be restrained from acting as Lambardar in place of the petitioner.

3. The official respondents have filed response, stating therein the rule position and further that the petitioner has completed the term of five years, as such, has no right to claim against the post of Lambardar. The official respondents have not stated that anyone has been appointed as Lambardar in place of the petitioner and in fact have not specifically denied the allegations levelled by the petitioner with regard to handing over of seal of Lambardar to the private respondent.
4. Vide order dated 05.06.2023 the petitioner was allowed to perform his duties as Lambardar of Village Zirhama, Kawari, District Kupwara provided there is no legal impediment.
5. This Court has already dismissed the writ petition bearing **OWP No. 1809 of 2017** titled as **Bashir Ahmad Teli and others Vs. State of J&K and others** wherein challenge was thrown to SRO

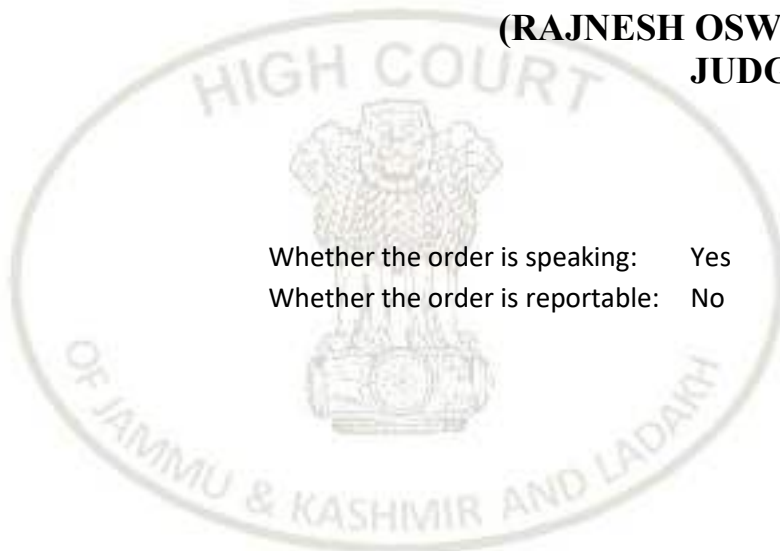
No. 412 dated 29.09.2017, whereby Rule 16(5) of the Lambardari Rules was deleted.

6. In view of the above mentioned facts and circumstances of the case, the present petition is disposed of by directing the official respondents to hold elections for the post of Lambardar within a period of three months from the date of receipt of certified copy of this order and till then order dated 05.06.2023 shall continue to remain in operation.

7. **Disposed of.**

Srinagar
13.08.2025

(RAJNESH OSWAL)
JUDGE



Whether the order is speaking: Yes
Whether the order is reportable: No