

Serial No. 6
Regular cause list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

...
WP(C) 1887/2021
CM(6308/2021)
CM(677/2025)

ZAI QAZI MOHAMMAD SALEEM.

.....Petitioner(s)

Through:
Mr. B. A. Khan, Adv.

Versus

UNION TERRITORY OF J AND KAND ORS.

.....Respondent(s)

Through:
Mr. Mohsin Qadiri, Sr. AAG
Mr. Bikramdeep Singh, Dy. AG

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

25.07.2025

1. Petitioner through the medium of the instant petition has sought the following relief:

“(a) To issue a writ in the nature of certiorari quashing the impugned order dated 01.09.2021 passed by the respondent No. 2 and the report if any submitted by the respondent No. 4 to the respondent No. 2 as mentioned in the impugned order;

(b) To issue a writ in the nature of mandamus commanding the respondents not to demolish the shops, compound walling or residential house of the petitioner in part or in whole;

2. The record reveals that on the very first day of hearing , this court vide order dated 23.09.2021 has directed Tehsildar Eidgah to proceed as per the record and conduct enquiry with respect to the construction raised by the petitioner and it was further directed that in case as per the report and the enquiry of Tehsildar Eidgah, the construction of the petitioner is found to be existing on Kahcharie/State land in the area of

Zoonimar, in such eventuality, Tehsildar Eidgah before proceeding to take action in compliance of the impugned order shall hold appropriate enquiry and give an opportunity of being heard to the petitioner. Till the aforesaid procedure is followed, the respondents have been restrained to take any adverse action against the petitioner.

3. Pursuant thereto, the compliance report stands filed in conformity with the aforesaid order, a perusal whereof reveals that the Tehsildar Eidgah has conducted the proper enquiry and has submitted the report. The report reveals that the petitioner owns and possesses 1 Kanal of land under Survey No. 460 (proprietary in Estate Onta Bhawan).
4. The report further reveals that the petitioner has previously encroached upon adjoining Shamilat land and some part of common land in Survey No. 462 and has built an illegal structure which was later demolished and the encroachment was removed.
5. Although, the respondents have filed a detailed compliance report, but the enquiry report has not been placed on record.
6. Thus, in the light of the stand taken by the respondents through the medium of the aforesaid compliance report, the instant writ petition insofar as prayer (b) is concerned has been rendered infructuous.
7. The petitioner through the medium of the instant petition has sought quashment of the impugned order dated 01.09.2021 passed by the respondent No. 2, wherein, a direction has been issued to the appropriate authority to proceed ahead and remove the entire encroachment existing on Kahcharie/State land in Estate Zoonimar within three days and to submit action taken report to the appropriate authority i.e., the Divisional Commissioner, Kashmir. By virtue of the order impugned, the Divisional Commissioner, Kashmir has directed

the Chief Enforcement Officer, Srinagar Municipal Corporation to provide demolition squad to the concerned Tehsildar as and when asked for.

8. The petitioner has called in question the aforesaid order in the instant petition and even the relief which has been claimed has also been rendered infructuous in the light of the compliance report submitted by the concerned Tehsildar in pursuance to the direction passed by this court dated 23.09.2021 wherein, the petitioner owns and possesses only 1 Kanal of land under Survey No. 460 in Estate Onta Bhawan and insofar as Survey No. 462 is concerned, the demolition has already been carried and the encroachment has been removed.
9. Thus, the instant writ petition in the light of the stand taken by the respondents has been rendered infructuous.
10. It is made clear since the petitioner has been declared owner of the land under Survey No. 460 in Estate Onta Bhawan in terms of the aforesaid enquiry, the petitioner will continue to enjoy the said property without any interference from the respondents. Respondents shall be restrained from interfering in the peaceful possession of the aforesaid land.
11. The writ petition is accordingly ***disposed of*** in the manner as indicated above.

(WASIM SADIQ NARGAL)
JUDGE

Srinagar
25.07.2025
"SAKEENA-PS"