

S.No. 80
Supplementary List

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

WP(C) 1749/2025 CM(4572/2025)

SHIBAN LAL BHAT

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

Through: Mr.P.A.Ahmad, Advocate

Vs.

UNION TERRITORY OF J AND K (REVENUE)
AND ORS

...Respondent(s)

Through: Mr.Faheem Nisar Shah, GA

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

25-07-2025

1. The petitioner, besides seeking other reliefs, has filed the present petition primarily seeking a writ in the nature of mandamus, directing the respondent authorities to immediately restore possession of his land measuring 04 kanals and 16 marlas, falling under Survey Nos. 1002 and 1005, situated at Zainapora, Shopian.
2. Learned counsel for the petitioner has drawn the attention of the Court to a communication dated 19.04.2025 issued by the Tehsildar, Zainapora, to the Assistant Commissioner Revenue, Shopian, which reveals that the land in question has been placed under the supurdari of the concerned Lumbardar/Chowkidar, and the petitioner was advised to approach the Tehsildar's office in person so that possession of the said land could be handed over to him.
3. Pursuant to the said communication, another letter dated 30.04.2025 was issued by the Assistant Commissioner Revenue, Shopian, advising the petitioner to approach the Office of the Tehsildar, Zainapora, for taking possession of the land situated at village Zainapora.

4. Learned counsel for the petitioner has also invited the attention of the Court to Government Order No. 741-JK(GAD) of 2025 dated 19.06.2025, whereby the Additional Deputy Commissioners (posted at District Headquarters across the Kashmir Division) have been nominated as Nodal Officers for monitoring and facilitating the resolution of complaints pertaining to immovable properties, revenue-related matters, and community assets of Kashmiri migrants.
5. Relying on the aforementioned Government Order and communications, learned counsel for the petitioner submits that the petitioner approached the concerned Tehsildar for taking possession of the land. However, only the land at Reshipora measuring 1 kanal and 18 marlas was handed over, while the land at Zainapora remains under the occupation of encroachers.
6. Aggrieved by the inaction on the part of the Tehsildar, the petitioner submitted several complaints/representations and latest on 10.06.2025 before the Deputy Commissioner, Shopian, seeking implementation of the directions contained in the communication dated 30.04.2025. However, the Deputy Commissioner has failed to consider or act upon the said complaints/representations.
7. Learned counsel for the petitioner, after addressing arguments at length, submits that the petitioner would feel satisfied if the present writ petition is disposed of at this stage with a direction to respondent No. 2- Deputy Commissioner, Shopian to consider the representation/complaint of the petitioner dated 10.06.2025, placed on record as Annexure-IX, and decide the same in accordance with law within a reasonable time frame.
8. Mr. Faheem Nisar Shah, learned Government Advocate, on the asking of the Court, appears on behalf of the official respondents and submits that he is not averse to the disposal of the writ petition in the manner proposed by the petitioner's counsel. However, he submits that the representation shall be considered strictly in accordance with the rules and the law applicable in the field.

9. In view of the above and with the consent of learned counsel for the parties, the writ petition is taken up for final disposal and is accordingly disposed of with a direction to respondent No. 2– Deputy Commissioner, Shopian to consider and decide the petitioner’s representation/complaint dated 10.06.2025 (Annexure-IX), within a period of four weeks from today, strictly in accordance with law, after due application of mind and by affording an opportunity of hearing to the petitioner, private respondents, and any other stakeholder(s), if any.
10. It is further directed that a copy of the consideration order, once passed, be forwarded to the petitioner through registered post.
11. The writ petition, along with the connected miscellaneous application/s, stands **disposed of** in the above terms.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
25-07-2025
Mubashir