

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

WP (C) 1950/2025 CM 5154/2025

BILAL AHMAD BHAT ...Petitioner(s)/appellant(s)

Through: Mr. Tariq M. Shah, Advocate with
Mr. Zahid, Advocate

Vs.

UT OF JK AND ORS ...Respondent(s)

Through:

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

13.08.2025

1. Heard.
2. Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioner has sought issuance of writs/directions inter alia in the nature of certiorari and mandamus for quashing the orders bearing No. SRO/AWP/2025/13 dated 14.07.2025 and No. DCP/Reg/25-26/05 dated 02.08.2025 passed by respondents 3 & 2, respectively, on the mortgage deed of the petitioner, and for directing respondent No. 3, i.e. Sub Registrar, Awantipora, to register the document in question in accordance with the Registration Act, 1908.
3. It is the case of the petitioner that he executed a deed of mortgage by way of collateral security in respect of his land measuring 2 kanals and 6 marlas, falling under Khasra/Survey Nos.6034/2074(1 marla),6038/2077 (13 marlas) and 6139/2196 (1 kanal& 12 marlas), situated at revenue estate Awantipora, District Pulwama, in favour of the Jammu & Kashmir Bank Limited, a banking company incorporated under the Jammu & Kashmir Companies Act, 1977, having its

registered office at Corporate Headquarters, Maulana Azad Road, Srinagar, and a branch office, amongst others, at Awantipora, Pulwama.

4. That the respondent No. 3, i.e. learned Sub Registrar, Awantipora, refused the registration of the document through his order dated 14.07.2025, on the main ground that the land covered under the document measuring 2 kanals 6 marlas under Survey Nos. 6034/2074, 6038/2077, 6139/2196 stands allotted to the mortgagor through Government Order LB-6/C of 1968 dated 05.06.1958 followed by another Government Order No. S-432 of 1966 dated 03.06.1966, which orders bar the transfer of the subject land or any interest therein. The order of refusal of respondent No. 3 also reveals that the transfer of the subject land by any mode is also barred under a communication of the Revenue Department bearing No. Rev-Sett/35/2023(7119244) dated 14.02.2025, as per the conditions attached to the said communication.
5. That aggrieved by the order of the learned Sub Registrar, Awantipora, the petitioner preferred an appeal before the respondent No. 2 i.e. Court of Registrar, Pulwama, who vide his order dated 02.08.2025 dismissed the appeal and upheld the order of the Sub Registrar, Awantipora.
6. Having regard to the reasons for refusal of respondent No. 3 to admit the subject document to registration and the concurrent view of respondent No. 2 in the light of the law laid down by this Court on the subject, this Court is of the opinion that the matter can be disposed of at this threshold stage without notice to the respondents.
7. This Court has already, in “Mohammad Akbar Shah & Ors. Vs. State & Ors” OWP No. 982/2015, decided on 31st May, 2016, held that the condition of seeking previous permission of the Government for

alienation of the land which was given for agricultural purposes in terms of the paragraph 4 of the order of 1966 is rendered otiose and will not affect the right of the owner of the land to alienate the same, provided other statutory requirements are fulfilled for such alienation. The said judgment has been followed repeatedly in a series of judgments by this Court.

8. For the aforesaid reasons, the petition is allowed, and respondent 3 i.e. Sub Registrar, Awantipora, is directed to admit the document in question to registration in accordance with the law, without insisting on obtaining the previous permission from the Government for such transfer by way of mortgage .
9. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
13.08.2025
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