

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
WP (C) No. 2141/2025**

MST ZAREEFA BEGUM

...Petitioner/Appellant(s)

Through: Ms. Arifa Jan, Advocate.

Vs.

**UNION TERRITORY OF J
AND K (REVENUE) AND ORS**

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER

02.09.2025

1. Heard.
2. The case of the petitioner is that she is the owner in possession of land measuring 05 kanals & 07 marlas falling under survey Nos 2732 & 2733 situated at Revenue Estate Dangerpora, Baramulla which has been transformed by her into an orchard.

That she enjoyed the ownership and possession of the said patch of land for last so many years without any interference on the part of anyone including her brothers. That now when the said patch of land got prepared in the shape of an orchard with fruit-bearing trees, her brothers fell into greed and filed a Civil Suit for decree of permanent injunction before the Court of learned Sub-Judge, Sopore against her and her two sisters, Posha Bano and Amina Bano in respect of a big chunk of land measuring 43 kanals including her patch of land.

That the learned civil court has passed an order of status quo in the said suit and, the official respondents upon being approached by the applicants/petitioners have been interfering with her in respect of the harvest of the fruit, in the garb of the said order of status quo, by misusing the same.

That the order of status quo is being misinterpreted and misused by the official respondents who are not allowing her to harvest the fruit of her orchard. That she approached the learned trial court with an application for clarification of the order of status quo which is still pending disposal.

3. Through the medium of the instant petition filed under provisions of Article 226 and 227 of the Constitution of India, the petitioner has prayed for the directions/writs in the nature of mandamus to the effect that, the learned trial court be directed to clarify its status quo order so that the same is not misinterpreted and misused, the official respondents to forthwith desist from interfering with her possession and enjoyment in respect of the subject land and the fruit-bearing trees thereon with further direction to instead provide her protection so as to enable her to harvest the fruit of her orchard.
4. Perused the petition and the copies of documents enclosed with the same as annexure thereto.
5. The petitioner has not placed on record the copy of the order of the status quo alleged to have been passed in the civil suit by the learned trial court.

6. The petitioner ought not to have invoked the jurisdiction of this court in terms of the provisions of Articles 226 and 227 of the Constitution of India as she had alternate efficacious and appropriate remedy before the learned trial court, itself.
7. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of even at this threshold stage by passing of appropriate directions which appear to be just and proper and will not also prejudice the rights and interests of the other side.
8. Accordingly, the instant petition is disposed of with the direction to the learned trial court to immediately address the application of the petitioner seeking clarification of the order of status quo in the facto-legal scenario of the case so that same is not subjected to any misinterpretation or misuse by any of the parties.
9. It is needless to mention that a Civil Court at the time of passing of an order of status quo is under an obligation to clarify the same so that it is not misinterpreted and misused by any of the parties. The Civil Court is also having the powers under law to pass appropriate orders regarding preservation of any property pending disposal of a suit.

10. Disposed of.

**(MOHD YOUSUF WANI)
JUDGE**

SRINAGAR:

02.09.2025

"Hilal"