

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

**CCP(S) 373/2024
In WP(C) 3216/2023
CM(6000/2024)**

Pyare Lal Alias Kaka Ji.

...Petitioner(s)

Through: None.

Vs.

**Mr. Mohammad Shahid Saleem Dar &
Ors.**

...Respondent(s)

Through: Ms. Shaila Shameem, Assisting Counsel vice
Mr. Alla Ud Din Ganai, AAG.

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

ORDER
30.05.2025

01. The instant contempt petition has been filed by the petitioner seeking implementation of Order/judgment dated 13th December, 2023 passed by this Court in WP(C) 3216/2023, in terms whereof the said writ petition was disposed of with a direction to Respondents 3 and 4 to take all necessary steps and measures in terms of the Jammu and Kashmir Migrant Property (Preservation, Protection and Restraint on Distress Sales of Immovable Properties of the Migrant) Act, 1997, with a view to protect the land of the petitioner. The entire exercise was to be undertaken by the respondents within a period of two months, from the date a

copy of the said order along with a copy of the writ petition was made available to the said respondents.

02. Since the aforesaid order was not complied with, the instant contempt petition was preferred by the petitioner, in which notice was issued on 4th October, 2024.

03. Pursuant to issuance of notice, the respondents have filed detailed statement of facts/compliance report, wherein it is stated that in compliance to the direction passed by this Court, a detailed report was sought from the Naib Tehsildar concerned, who submitted that land measuring 6-kanals under Survey No. 93 min situated at Village Chilipora is recorded in the name of Pyare Lal R/o Village Chilipora, at present migrant in Jammu.

04. As per the stand of the respondent, the land in question was found to be under the illegal possession of Farooq Ahmad Dar S/O Gh Mohd (04 Kanal 10 Marla); Inamul Haq and Others, Ss/O Mohd Yousuf Hajam (15 Marla) and Shabir Ahmad S/O Mohd Ismail Dar (15 Marla). Since the land in question was illegally encroached by the aforesaid persons, accordingly they were summoned in the office of respondent-Tehsildar, Chitragam and were provided an opportunity to prove their claim/possession over the said land by producing valid documents, however, the said persons failed to produce any documents proving their entitlement over the land in question and accordingly, they were evicted from the land in conformity with Section 5 of the

J&K Migrant Act, as a consequence thereof, the said land has been kept under custody of Lumberdar concerned.

05. It has been also submitted by the respondents that the Lumberdar concerned reported to the respondents that the encroachers were trying to trespass over the said land on regular basis, and accordingly, the matter was taken up with the concerned Station House Officer (SHO) on 26th June, 2024 for taking necessary action against the said trespassers under the law.

06. It is the further stand of the respondents that the land in question has been kept under Superdnama of Lumberdar only and would not be handed over to any person even on the request of petitioner, until and unless the land alienation permission from the Prescribed Authority i.e. Divisional Commissioner, Kashmir, is obtained under the aforesaid Act.

07. Thus, in the light of the stand taken by the respondents in the compliance report, it can safely be construed that the Order/judgment under contempt, has been complied with in its letter and spirit. Since the order has been complied with, this precisely might be the reason that there is no representation on behalf of the petitioner, as the grievance of the petitioner stands redressed, which fact finds mention in the detailed compliance report.

08. In view of the above, nothing remains to be adjudicated any further in the instant contempt petition as the Order/judgment stands complied with. Accordingly, the proceedings in the instant contempt petition are ***closed***. Rule, if any, shall stand ***discharged***.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

30.05.2025

"HAMID"

