

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

**LPA 258/2025 in [WP(C) 194/2025]
CM (7001/2025)**

Date of Pronouncement: 17.12.2025.

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**1. Naseer Ahmad Bhat
S/o. Ghulam Rasool Bhat
R/o. Kulgam, District Kulgam**

**2. Janahgir Ahmad Dar
S/o. Ghulam Mohammad Dar
R/o. Bogund, District Kulgam**

...Appellant/Petitioner(s)

Through: Mr. Rizwan ul Zaman, Advocate.

Vs.

**1. Union of India and Ors
2. Indian Oil Corporation Limited
3. Divisional Officer, Jammu, Indian Oil
Corporation Limited.
4. Divisional Commissioner, Kashmir
Srinagar.
5. Deputy Commissioner, Kulgam.
6. Shabir Ahmad Dar
7. S/O. Abdul Razaq Dar R/O. Damhal
Hanjipora, District Kulgam.**

...Respondent (s)

Through: Mr. Faizan Ahmad Ganie, CGC vice
Mr. T.M. Shamsi, DSGI for R (1).
Mr. Hakeem Aman Ali, Dy. AG for R (2-3).
Mr. Mohd Younis Hafiz, Assisting Counsel for R (4-5).
Mr. B.A. Dar, Advocate for R (6).

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER (ORAL)

17.12.2025

1. This intra-Court appeal by the appellants arises from an order and judgment dated 26th September, 2025, passed by the learned Single Judge of this Court [‘the Writ Court’] in WP(C) No. 194/2025, whereby the Writ Court has dismissed the petitioner filed by the appellants having found the same devoid of any merit.

2. Briefly put the fact leading to the filing of this petition as can be gathered from the judgment impugned and the material on record are that Indian Oil Corporation Limited issued an advertisement notification for appointment of Retail Outlet Dealers in Jammu and Kashmir for different locations including the one for Dahmal Hanjipora, Kulgam. The eligible candidates including the petitioners and respondent No. 6 namely Shabir Ahmad Dar submitted their candidature. Upon completion of the selection process, a select list was issued in which respondent No. 6 was shown selected in Group-3 by the Corporation and the appellants herein were ignored. This made the appellants to file a civil suit before the Court of learned Sub Judge, Kulgam, seeking a declaration to the effect that the appellants be declared as selected for the dealership in question and that the selection of respondent No. 6, made for the location, be declared as null and void. This suit was later on withdrawn without seeking any liberty to file a fresh suit and taking any fresh proceedings. It seems that later Corporation came up with the final select list in which respondent No. 6 who had submitted the documents of ownership for the land available at the location was put in Group-1 and shown as selected.

3. Feeling aggrieved, the appellants filed a writ petition before the learned Single Judge of this Court to throw challenge to the selection of Respondent No. 6, this time, under Group-1 category. While the aforesaid writ petition filed by the appellants was pending adjudication, the respondent No. 6 who had applied to the competent Revenue Officers for grant of NOC but had not been issued one, filed writ petition seeking direction to the Revenue Authorities to grant him the requisite NOC so that he could process his case for allotment of dealership for which he stood already selected.

4. Pursuant to the interim order passed in the aforesaid writ petition, the request of the respondent No. 6 was considered and the Additional Deputy Commissioner, Kulgam, vide his order No. 93/DCK/2022 dated 20th September, 2022 rejected the application of the respondent No. 6 on the ground that mutations attested under Sections 4 and 8 of the J&K Agrarian Reforms Act, 1976, in favour of the respondent No. 6 were doubtful. Feeling aggrieved, the respondent No. 6 challenged the order dated 20th

September, 2022, before the Divisional Commissioner, Kashmir, by filing an appeal in terms of Section 154(2) of the Petroleum Rules, 2002. The appeal was accepted by the Divisional Commissioner vide its order dated 3rd October, 2024, and Additional Deputy Commissioner, Kulgam, was directed to issue NOC in favour of the respondent No. 6 as per law.

5. The appellants having acquired the knowledge of the passing of the order by the Divisional Commissioner, Kashmir, withdrew their writ petition i.e. WP(C) No. 3039/2024 with liberty to file a fresh petition subject to subsisting of the cause.

6. This is how the appellants filed WP(C) 194/2025 seeking, *inter alia*, a writ of certiorari to quash the order Divisional Commissioner dated 3rd October, 2024 as also the select list published by the respondent-Indian Oil Corporation on 25th November, 2018, wherein the respondent No. 6 had been placed in Group-1 Category-Open and selected for grant of Retail Outlet Dealership at location Dahmal Hanjipora.

7. This petition was contested by respondents 1 to 5 as well as the respondent No. 6. The Writ Court having considered the rival contentions and having gone through the material on record came to the conclusion that the appellants had no case on merits, in that, the respondent No. 6 who had submitted the revenue papers of his ownership of the land available in the locality at Damhal Hanjipora had been selected in the draw of lots conducted by the Indian Oil Corporation as per the guidelines. The writ petition was, accordingly, dismissed in terms of the judgment impugned.

8. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Writ Court is perfectly legal and in consonance with law and, therefore, does not call for interference by us in this appeal.

9. Indisputably, the respondent No. 6 is owner in possession of the land papers whereof have been submitted by him to the Indian Oil Corporation. There is no dispute with regard to the fact that mutations attested under Sections 4 and 8 of the Agrarian Reforms Act in favour of the respondent

No. 6 are intact as on date and have not been set aside or quashed by any competent Revenue Court. The Additional Deputy Commissioner may have entertained doubts about the attestation of these mutations as also the circumstances under which these stood attested but unless these mutations are set aside or quashed by the competent authority after giving an opportunity of being heard to the respondent No. 6, these mutations continue to be the documents evidencing the ownership of the respondent No. 6 qua the land in question.

10. Additional Deputy Commissioner was, therefore, not correct in declining the grant of NOC on the ground that he had entertained some doubts about the veracity and the legality of the mutations attested under Sections 4 and 8 of the Agrarian Reforms Act in favour of the respondent No. 6

11. Since the mutations aforesaid are still intact and, therefore, in the revenue records the respondent No. 6 continues to be reflected as owner in cultivation.

12. Viewed thus, it cannot be disputed that respondent No. 6 did fall in Group-1 and was entitled to be considered as such being owner of the land where he had proposed to set up the dealership in question.

13. The Divisional Commissioner rightly set aside the order of the Additional Deputy Commissioner, Kulgam, as mere entertaining of doubt by the Additional Deputy Commissioner about the attestation of mutations under Section 4 and 8 of the Agrarian Reforms Act in favour of respondent No. 6 was not good enough to denude the respondent No. 6 of the ownership rights conferred upon him. We reiterate that mutation attested under Section 8 is a proof of the person being owner in cultivating possession. The Agrarian Reforms Act, 1976, and the rules framed thereunder provide a mechanism for challenging the mutations and in case the said mutations are challenged in accordance with the law, the competent authority may interfere with or set aside such mutations on appeal or revision as the case may be.

14. In the facts and circumstances of the case, it is not in dispute that nobody has challenged the mutations attested in favour of the respondent No. 6. The appellants are strangers to the land and, therefore, may not have any locus to challenge those mutations. The entire effort of the appellants before the Writ Court as well as before us was to somehow oust the respondent No. 6 from the zone of selection, though it could not be demonstrated before us by the appellants that in case respondent No. 6 was ousted from the zone of selection, he would come in and necessarily get the allotment.

15. Learned counsel appearing for the appellants was fair enough to submit that he would have only a right of consideration and not right of selection which, of course, is required to be made by the Indian Oil Corporation in accordance with the guidelines issued on the subject.

16. Viewed from any angle, we find no legal infirmity in the judgment of the Writ Court. For the reasons we have stated hereinabove and for the reasons detailed in the impugned judgment of the Writ Court, we find no merit in this appeal and the same is accordingly **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

17.12.2025

"Shahid Manzoor"

Whether the order is reportable?

Yes/No.

Whether the order is speaking?

Yes No.