

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 2985/2023
Along with connected matter

Mohammad Ashraf Ganaie and Ors.

..... Petitioner (s)

Through: Mr. T A Lone, Adv.
Mr. S. M Saleem, Adv.
Mr. N A Malik, Adv.

V/s

Union Territory of J&K&Ors

..... Respondent(s)

Through: Mr. Faheem Nisar Shah, GA
Ms. Maha Majeed, Assisting Counsel.

Coram:

Hon'ble Mr. Justice Rajnesh Oswal, Judge

ORDER

19.09.2025

WP(C) No. 2985/2023:

Mr. T A Lone, Adv.

Mr. Faheem Nisar Shah, GA

1. The petitioners have filed this petition for directing the official respondents not to treat the CID verification adverse against them, wherein it has been submitted that the relatives of the petitioners have crossed LOC and were involved in the militancy and further prayer has been made to allow the petitioners as Lamberdar of the concerned villages to work.
2. Though the respondents have not filed the response, Mr. Faheem Nisar Shah, learned GA submits that the respondents be permitted to hold elections for the post of Lamberdar of the respective villages of the petitioners within some stipulated period.

3. Vide order dated 18.11.2023, a Co-ordinate Bench of this Court has ordered maintenance of status quo as it existed on that date.
4. In view of the J&K Lamberdari Rules as amended till date, an elected Lamberdar cannot continue beyond the age of 60 years or beyond five years, whichever is earlier.
5. The petitioners are not the elected Lamberdars but appointed Lamberdars and as such, they do not have any right to continue as Lamberdars till indefinite period.
6. In view of the above, the present petition is disposed of by directing the official respondents to conduct elections for the post of Lamberdars of the respective villages of the petitioners within a period of three months from the date of receipt of certified copy of this order. Till then the order dated 18.11.2023 shall continue to remain in operation.
7. The remuneration, if any, payable to the petitioners, shall be paid in accordance with law.
8. Disposed of as above.

WP(C) No. 3271/2023:

Mr. T A Lone, Adv.

Mr. Faheem Nisar Shah, GA

1. In this petition, the petitioners have impugned order dated 21.11.2023 issued by the Deputy Commissioner, Kupwara, whereby the appointment of the petitioners as Lamberdars has been cancelled.
2. The respondents have filed their response stating therein that in view of the adverse report received from CID J&K dated 12.09.2023, the temporary appointments of the Lamberdars were cancelled vide order dated 21.11.2023.
3. Vide order dated 15.12.2023, a Coordinate Bench of this Court has kept the order impugned in abeyance.
4. A perusal of the response filed by the official respondents reveals that adverse report against the petitioners is in respect of their relatives having crossed the LoC, but there are no any allegations against the petitioners.

5. In view of the above, the present petition is disposed of by directing the official respondents to conduct the elections for the post of Lamberdars of the respective villages of the petitioners within a period of three months from the date of receipt of certified copy of this order. Till then the order dated 15.12.2023 shall continue to remain in operation.
6. The remuneration, if any, payable to the petitioners, shall be paid to them in accordance with law.
7. Disposed of.

WP(C) No. 3499/2023:

Mr. T A Lone, Adv.

Mr. Faheem Nisar, GA

1. The petitioners have filed this petition, thereby impugning order dated 21.11.2023, whereby the appointments of the petitioners as Lamberdars for their respective villages have been cancelled on the ground of adverse reports from CID
2. Respondent No. 7 has filed the response stating therein that none of the petitioners is involved in any criminal case.
3. Vide order dated 30.12.2023, the operation of the impugned order was kept in abeyance with the caveat that there should be nothing adverse against the petitioners.
4. As the respondent No. 7 in an unambiguous term has stated that the petitioners are not involved in any criminal activity, therefore, the present petition can be disposed of by directing the official respondents to hold elections for the post of Lamberdars in accordance with J&K Lamberdari Rules.
5. In view of the above, the present petition is disposed of with a direction to the official respondents to hold elections for the post of Lamberdar of the respective villages within a period of three months from the date a copy of this order is made available to them. Till then order dated 30.12.2023 shall continue to remain in operation.

6. The remuneration, if any, payable to the petitioners, shall be paid in accordance with law.

WP(C) No. 1385/2023:

Mr. AteebKanth, Adv.

Mr. Faheem Nisar Shah, GA

1. Learned counsel for the petitioner very fairly submits that the present petition be disposed of by directing the official respondents to conduct elections for the post of Lamberdar of village Khalhar Tehsil Kokernag within some stipulated period.
2. Learned counsel for the respondents is not averse to the submission made by the learned counsel for the petitioner.
3. In view of the above, the present petition is disposed of by directing the officials respondents to conduct elections for the post of Lamberdar for village Khalhar Tehsil Kokernag within a period of three months from the date of receipt of certified copy of this order.
4. Disposed of as above.

WP(C) No. 3281/2023:

Mr. N A Malik, Adv.

Mr. Faheem Nisar Shah, GA

1. The petitioners have filed this petition for quashing the order dated 21.11.2023, whereby their appointment as temporary Lamberdar was cancelled.
2. Learned counsel for the petitioners submits that the present petition be disposed of by directing the official respondents to hold elections within some stipulated period and further official respondents be directed to release the honorarium in favour of the petitioners. Learned counsel for the respondents is not averse to the submissions made by learned counsel for the petitioners.
3. In view of the above, the present petition is disposed of by directing the official respondents to conduct the elections for the post of Lamberdars for respective villages within a period of three months from the date of receipt of certified copy of this order.

4. Further, the honorarium, if any, be released in favour of the petitioners for the period they have worked with the respondents.
5. Disposed of as above.

WP(C) 2020/2023 CM(1713/2025) CM(4700/2023)

WP(C) 2403/2023 CM(1973/2024) CM(5674/2023) CM(8268/2023)

For the Petitioner (s): Mr. Shah Ashiq Hussain, Advocate

For the Respondents(s): Ms. Maha Majeed, Assisting Counsel

01. The petitioner in WP(C) No. 2020/2023 has sought issuance of a direction to the respondents to allow him to discharge his duties as Lambardar for the village, Bon Khandipora Kulgam.
02. Respondent No. 3 has objected to the petitions by submitting that vide order dated 13th of March 2023, the petitioner was dismissed from the post of Lambardar of village, Bon Khandipora Kulgam Teshil Kulgam, District Kulgam. The petitioner thereafter impugned the said order through the medium of Writ petition bearing WP (C) No. 2403/2023.
03. Although, the respondents have not filed the response to the present petitions, Ms. Maha Majeed, learned counsel for the official respondents has submitted that the instant petition be disposed of by directing the official respondents to hold elections for the post of Lambardar of the village Bon Khandipora Kulgam Teshil Kulgam, District Kulgam within a stipulated period of time. Vide order dated 15th of September 2023, the order impugned dated 13th of March 2023, whereby the petitioner was dismissed from the post of Lambardar for village Estate Bon Khandipora Kulgam Teshil Kulgam, District Kulgam was stayed by a Co-ordinate Bench of this Court.
04. At this stage, learned counsel for the petitioner submitted that one Mudasir Ahmed Itoo had laid a motion before this Court seeking his impleadment as a respondent. However, instead of pursuing the said application, he filed another writ petition bearing WP (C) No. 1688/2025 and this Court, vide order dated 25th July 2025, disposed of the said Writ petition by directing the official respondents to consider the claim of the

petitioner for release of remuneration/wages in accordance with law from the date of his appointment.

05. In view of the above, the present petitions are disposed of in terms of the following directions:

1. The official respondents shall hold elections for the post of Lambardar of village Estate Bon Khandipora Kulgam Teshil Kulgam, District Kulgam within a period of three months from the date of receipt of this order.
2. The official respondents shall conduct an inquiry to ascertain who is performing the duties of Lambardar for Estate Bon Khandipora Kulgam Teshil Kulgam, District Kulgam and shall take into consideration the order dated 15th of September 2023, whereby the dismissal of the petitioner as Lambardar was stayed by the Co-ordinate Bench of this Court, and shall thereafter release the honorarium/wages in favour of the person, who is found entitled thereto, and, until such elections are held, if the petitioner is already working as Lambardar of village Estate Bon Khandipora Kulgam Teshil Kulgam, District Kulgam, he shall be permitted to continue to perform his duties as Lambardar for the next three months.

06. Disposed of.

WP(C) 3230/2023 CM(7770/2023)

For the Petitioner (s): Mr. Abid Malla, Advocate

For the Respondents(s): Ms. Maha Majeed, Assisting Counsel

01. Through the instant petition, the petitioner has impugned Order dated 21.11.2023, issued by respondent No.2, whereby appointment of the petitioner as Lambardar of the village, Chuntiwari Machil, Kupwara has been cancelled. Further, a prayer has been made for directing the official respondents not to disturb the position of the petitioner without following due course of law.

02. It is contended that the impugned order has been passed solely on the ground that a distant relative of the petitioner went missing.

03. The respondents have filed their response stating that the appointment order was cancelled vide Order dated 21st November 2023, pursuant to the adverse report received from CID wherein it was mentioned that the son of the petitioner's cousin had crossed the LOC illegally. Learned counsel for the respondents submits that the petitioner was not an elected Lambardar but appointed as a Lambardar. Accordingly, it is submitted that the official respondents be permitted to hold elections for the post of Lambardar of the village Chuntiwari Machil, Kupwara within a stipulated period of time.

04. Upon perusal of the record, this Court finds that there are no allegations against the petitioner and allegations, if at all, are against the cousin of the petitioner's son.

05. In view of the above, the impugned order dated 21st of November 2023 is quashed, and the official respondents are directed to conduct elections for the post of Lambardar of the village Chuntiwari Machil, Kupwara within a period of three months. Till such elections are held, the petitioner shall be permitted to perform his duties as Lambardar. The respondents shall also consider the petitioner's claim for release of remuneration in accordance with law.

06. *Disposed of.*

WP(C) 3241/2023 CM(7798/2023)

For the Petitioner (s): Mr. S.M. Saleem, Advocate

For the Respondents(s): Ms. Maha Majeed, Assisting Counsel

01. Last opportunity is granted to the learned counsel for the respondents to file response by or before next date of hearing, failing which respondent No.4 i.e. Tehsildar Langate shall remain present before this Court through virtual mode.

02. Be listed on 10th of October, 2025.

03. Interim direction, if any, in force as on date shall continue till next date of hearing before the Bench.

WP(C) 3245/2023 CM(7802/2023)

For the Petitioner (s): Mr. S.M. Saleem, Advocate

For the Respondents(s): Ms. Maha Majeed, Assisting Counsel

01. Last opportunity is granted to the learned counsel for the respondents to file response by or before next date of hearing, failing which respondent No.4 i.e. Tehsildar Langate, Kupwara, shall remain present before this Court through virtual mode.
02. Be listed on 10th of October, 2025.
03. Interim direction, if any, in force as on date shall continue till next date of hearing before the Bench.

WP(C) 3371/2023 CM(5449/2024) CM(8122/2023)

For the Petitioner (s): Mr. Bilal Ahmad Malla, Advocate

For the Respondents(s): Ms. Maha Majeed, Assisting Counsel

01. The petitioner has filed the present petition seeking quashing of order dated 21st of November, 2023, passed by the Deputy Commissioner, Kupwara, as well as the orders issued by the Tehsildar and, further, for issuance of a direction to the respondents to reinstate the petitioner as Lambardar of village Jumagund, permitting him to discharge his duties and further to produce the entire record, including the adverse report furnished by the CID.
02. The precise claim of the petitioner is that his appointment as Lambardar of village Jumagund has been cancelled on the basis of the adverse police report, without affording any opportunity of hearing to him.
03. The official respondents have filed their response, stating therein that the order with respect to the cancellation of the appointment of the petitioner as Lamabdar was passed upon receipt of the adverse report from the CID dated 12th of September, 2023.
04. In the CID report, it is stated that his father's cousin had crossed the LoC illegally in the year 1992 for obtaining subversive training and returned in the year 2012, via Nepal Border along with his family. .
05. Precisely, the stand of the respondents is that, due to the illegal activities of the relatives of the petitioner, order regarding the cancellation of the appointment of the petitioner as Lambardar was passed on 21st of November, 2023.

06. The orders impugned in this petition were stayed by this Court. Ms. Maha Majeed, Assisting Counsel, has submitted that the present petition be disposed of by directing the official respondents to hold elections for the post of Lambardar for the village Jumagund of District Kupwara within a stipulated period of time.
07. In view of above, the present petition is disposed of by directing the official respondents to hold elections for the post of Lambardar for the village Jumagund of District Kupwara within three months from the date of receipt of this order. Till then, the order dated 26th of December, 2023 shall remain in operation. The respondents shall further consider and release the honorarium in favour of the petitioner, provided he has worked with the respondents.
08. **Disposed of**

WP(C) 271/2024, CM(2643/2025) CM(5007/2024) CM(595/2024)

For the Petitioner (s): Mr. Sheikh Mushtaq,, Advocate

For the Respondents(s): Ms. Maha Majeed, Assisting Counsel for R- 1 to 5.

Mr. M. Ayoub Bhat, Advocate for R-6

01. After arguing for a while, learned counsel representing the petitioner and private respondent, have reached to a consensus that the present petition be disposed of by directing the official respondents to hold elections for the post of Lambardar of village Avengund Tehsil Rajpora within a stipulated period of time. Further, the official respondents be directed to determine as to who amongst the petitioner and the private respondent is performing the duties of Lambardar and the person, who is performing the duties of Lambardar be permitted to continue to work as Lambardar for the period of three months as mentioned above.
02. In view of the consensus arrived at between the petitioner and the private respondent and not objected to by the official respondents, the present petition is disposed of by directing the official respondents to determine as to who amongst the petitioner and private respondent is performing the duties of Lambardar for village Avengund Tehsil Rajpora and the person so found to be performing the duties of Lambardar be permitted to

continue to work as Lambbardar for three months only and within these three months, the official respondents shall ensure that the elections are held for the post of Lambardar of village Avengund Tehsil Rajpora.

03. *Disposed* of.

WP(C) 340/2025 CM(782/2025)

*For the Petitioner (s): Mr. Aabid Hamid, Advocate vice
Mr. Yasir Nabi Rather, Adv*

For the Respondents(s): Ms. Maha Majeed, Assisting Counsel

01. Learned counsel for the respondents seeks time to file reply. The needful be done by next date of hearing.

02. Be listed on 10th of October, 2025.

WP(C) 26/2024 CM(54/2024)

For the Petitioner (s): Mr. Saiful Islam, Advocate

For the Respondents(s): Ms. Maha Majeed, Assisting Counsel.

01. Learned counsel for the respondents is directed to produce the record in respect of the enquiry. In the meanwhile, respondents shall be at liberty to hold elections for the post of Lambardar of village Syedpora Balla of Tehsil North (Hazratbal).

02. Be listed on 10th of October, 2025.

Registry to place a copy of this Order on record of the each connected file.

**(Rajnish Oswal)
Judge**

SRINAGAR
19.09.2025
Aasif/Showkat Khan