

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2835/2025
CM(7488/2025)

Ishfaq Ahmad Wani & Ors.

...Petitioner(s)

Through: Mr. Abrar H. Khan, Advocate.

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through:

CORAM:

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

ORDER

17.11.2025

01. While the matter was being argued, the learned counsel for the petitioners' invited attention of this Court to the order dated 12th July, 2025 passed by the Assistant Commissioner (Revenue), Bandipora. By virtue of said order, the Assistant Commissioner (Revenue), Bandipora has observed that the non-applicant/respondent No. 4 herein is in possession of 2½-marlas of land falling under Survey no. 1496/1371/543, which the non-applicant/respondent No.4 has encroached. It has been further observed that no such entry is recorded in the name of non-applicant/ respondent No. 4.

02. A detailed report in the instant matter was also submitted by the Tehsildar, Bandipora, vide No. 456/OQ/Bpr dated 10.05.2025, which reveals that the petitioner No. 1

herein has a shortfall of 10^{1/2}-marlas as per reports and spot position.

03. In the aforesaid backdrop and also in the light of the report of the Tehsildar, Bandipora, it has been noted by the concerned Assistant Commissioner (Revenue), Bandipora that the petitioner No. 1 has shortfall of 10^{1/2}-marlas in the given survey number at Nadihal, Bandipora. It has been further noted by the Assistant Commissioner (Revenue), Bandipora that since the matter relates to the possession, the role of the revenue authorities is limited and accordingly, the petitioner No. 1 herein has been advised by the Assistant Commissioner (Revenue), Bandipora to prefer a civil suit before the court of competent jurisdiction for redressal of his grievances and accordingly, the interim direction passed by the Assistant Commissioner (Revenue), Bandipora, stood vacated.

04. The learned counsel appearing on behalf of the petitioners fairly submits that in pursuance to the order so passed by the Assistant Commissioner (Revenue), Bandipora, the petitioners have already preferred a civil suit before the court of learned Principal District Judge, Bandipora, which is pending adjudication.

05. Without waiting for the outcome of the civil suit so preferred before the court of learned Principal District Judge, Bandipora, the petitioners have filed the instant writ petition, which is not maintainable, as the disputed questions of fact are involved in the instant petition, which cannot be adjudicated while exercising writ jurisdiction, more particularly when the petitioners have already availed the remedy of civil suit before the court of competent jurisdiction, in compliance to the order passed by the Assistant Commissioner (Revenue), Bandipora.

06. In the aforesaid backdrop, the writ petition is not maintainable being premature, as it raises disputed questions of facts which cannot be adjudicated while exercising writ jurisdiction, as such, the same is *dismissed*. However, dismissal of the writ petition shall not come in the way of the petitioners to adjudicate the remedy which they have already availed by preferring a civil suit before the court of competent jurisdiction. It is made clear that the learned Trial Court shall proceed in the matter strictly in accordance with law, without being influenced by the observations made by this Court hereinabove, while passing the orders in the civil suit so preferred by the petitioners.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

17.11.2025

"HAMID"

