

Serial No. 58
Supply. Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP (C) No. 3238/2023

Mohammad Rafiq Malkar and Ors.

...Petitioner (s)

Through: Mr Bilal Ahmad Malla, Advocate.

VERSUS

Union Territory of J&K and Ors.

Through: Mr. Ilyas Nazir Laway, GA.

...Respondent(s)

CORAM:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.

ORDER
30.08.2025

01. The petitioners have 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 petitioners as Lambardars of their respective villages, permitting them to discharge their duties and further to produce the entire record, including the adverse report furnished by the CID.
02. The precise claim of the petitioners is that their appointments as Lambardars of their respective villages have been cancelled on the basis of the adverse police report, without affording any opportunity of hearing to them.
03. The official respondents have filed their response, stating therein that the orders with respect to the cancellation of the appointment of the petitioners as

Lamabdars were passed upon receipt of the adverse report from the CID dated 12th of September, 2023.

04. In the CID report, in respect of petitioner no. 1, it is stated that his brother-in-law had crossed the LoC illegally in the year 1990 for obtaining subversive training and has not returned till date. Besides, the real sister of the petitioner no.1 went to PoK on valid travel documents through the Wagah border and did not return till date.

05. In respect of petitioner no. 2, it is reported that his paternal uncle, namely, Shabbir Ahmad Peer, had crossed the LoC in the year 1990 for similar purposes and, as mentioned above, did not return.

06. In respect of petitioner no. 3, it is stated that his uncle, namely, Mohammad Gulzar Lone, had crossed the LoC in the year 1990 for similar purposes and, surrendered before the security forces in the year 1991. He was subsequently released from jail in the year 1992.

07. In respect of petitioner no. 4, it is reported that his uncle had crossed the LoC in the year 1990 for similar purposes and surrendered before the security forces in the year 1991 and later died a natural death in the year 1997.

08. In respect of petitioners No. 5 & 6, it has been submitted that their relatives had crossed the LoC illegally in the year 1990 for obtaining subversive training and they surrendered before the security agencies. It is also stated that the maternal uncle of Muhammad Sultan Lone was a Pakistan-trained terrorist, who was killed by the security forces in the year 1992.

09. Precisely, the stand of the respondents is that, due to the illegal activities of the relatives of the petitioners, orders regarding the cancellation of the

appointment of the petitioners as Lambardars were passed on 15th of December, 2023.

10. The orders impugned in this petition were stayed by this Court. Mr. Ilyas Nazir Laway, learned GA, has submitted that the present petition be disposed of by directing the official respondents to hold elections for the posts of Lambardar for the villages concerning the petitioners herein within a stipulated period of time.

11. In view of above, the present petition is disposed of by directing the official respondents to hold elections for the posts of Lambardar for the villages concerning the petitioners within three months from the date of receipt of this order. Till then, the order dated 15th of December, 2023 shall remain in operation. The respondents shall further consider and release the honorarium in favour of the petitioners, provided they have worked with the respondents.

12. **Disposed of.**

(Rajnish Oswal)
Judge

SRINAGAR
30.08.2025
Showkat Khan