

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

CCP(S) 490/2024 in [WP(C) 1095/2022]
c/w i) WP(C) 1095/2022

**NOOR MOHAMMAD DAR ALAS
SUMJI AND ORS.**

...Petitioner/Appellant(s)

Through: Mr. Shafqat Nazir, Advocate with
Ms. Heena Baqal, Advocate

Vs.

**MINGA SHERPA(DC BARAMULLA)
AND ORS**

...Respondent(s)

Through: Mr. Ilayas Nazir Laway, GA

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
04.09.2025

WP(C) No. 1095/2022

1. Mr. Shafqat Nazir, learned counsel for the petitioners, submits that Divisional Commissioner, Kashmir, who is a necessary party, has been inadvertently omitted from the array of respondents. He prays that the Divisional Commissioner, Kashmir be arrayed as the party respondent in the instant petition. The prayer of the learned counsel for the petitioners is accepted. Accordingly, the Divisional Commissioner, Kashmir, is arrayed as a party respondent in the instant petition and shall figure as respondent No. 8 in the instant petition.
2. Registry to update the cause title accordingly.

3. After arguing for a while, Mr. Shafqat Nazir, learned counsel appearing on behalf of the petitioners, submits that the instant petition which is pending before this Court since May 2022 can be disposed of on the same lines as has been held by this Court in WP(C) No. 435/2021, decided on 07.05.2025, titled “**Abdul Majid vs. UT of J&K Th. Commissioner Secretary**”, and also in the light of the interim order dated 28.12.2021, passed by this Court in WP(C) No. 2737/2021.
4. Mr. Shaqat Nazir, learned counsel for the petitioners submits that a representation has been preferred by the petitioners jointly before the Divisional Commissioner, Kashmir on the same subject matter but till date, the same has not been accorded due consideration.
5. Mr. Ilayas Laway, appearing on behalf of the respondents, submits that he is not averse to the disposal of the instant petition on the same lines.
6. With the consent of the learned counsel for the parties, the instant petition is taken up for disposal by directing the newly added respondent No. 8 i.e., Divisional Commissioner, Kashmir, to decide the representation of preferred by the petitioners within a period of four weeks’ from the date a copy of this order along with the writ petition and annexures are made available to the said respondent strictly in conformity with what has already been held by this Court in WP(C) No. 435/2021, decided on 07.05.2025, in the case titled “**Abdul Majid vs. UT of J&K Th. Commissioner Secretary**” and while according due consideration to the representation alleged to

have been filed by the petitioners, the respondents shall also take into consideration the decision taken in case of similarly situated persons on whom the said rights have been conferred.

7. It is further made clear that while according due consideration to the representation pending before the respondents, the respondents are also directed to give due weightage to Government order No. 88 of 2005, dated 18.03.2005, by virtue of which, thirteen unauthorized colonies in Jammu City have been regularized pursuant to the Cabinet Decision No. 226/111 dated 30.12.2004.
8. It is further made clear that while passing the order of consideration, the petitioners be also provided an opportunity of being heard if the need arises. The respondents shall also consider the documents, if any, to be placed on record by the petitioners evidencing the factum of the possession vis-a-vis the land in question.
9. Let the order of the consideration be passed within the aforesaid period and the same be forwarded to the petitioner through registered post.
10. Writ petition is **disposed of** in the aforesaid terms.
11. However, it is made clear that till the decision is taken by the respondents, status quo, as it exists today, vis-a-vis the land in question shall be maintained. However, the continuance of the same shall govern the outcome of the decision likely to be taken by respondent No. 8 i.e., Divisional Commissioner, Kashmir on the representation of the petitioner.

CCP(S) No. 490/2024

1. Since the main petition has been disposed of by virtue of order/judgment passed by this Court today, the contempt petition arising out of the interim order is also **disposed of**.
2. Accordingly, the proceedings in the instant contempt petition are also **closed**.
3. Rule, if any, shall stands **discharged**.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:

04.09.2025

Akshil Dev

