

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

**WP(C) 3039/2022
CM(7637/2022)
CM(7638/2022)**

**Inhabitants of Village Logripora Tehsil Pahalgam ...Appellant(s)/Petitioner(s)
District Anantnag through:**

- 1. Ghulam Mohi ud Din Rather (Aged 63 years)
S/o Ghulam Hassan Rather;**
- 2. Abdul Razaq Malik (Aged 70 years) S/o
Ghulam Mohammad Malik.**
- 3. Mohammad Ramzan Chopan (Aged years)
S/o Ghulam Qadir Chopan**
- 4. Peer Bilal Ahmad Khaki (Aged 36 years) S/o
Mohammad Amin Khaki**
- 5. Mohammad Ahsan Wani (Aged 60 years) S/o
Ghulam Mohammad Wani**
- 6. Abdul Rahim Chopan (Aged: 55 years) S/o
Mohammad Jamal Chopan
All residents of Village Logripora Tehsil
Pahalgam District Anantnag**

Through: Mr. Mujeeb Andrabi, Advocate

Vs.

- 1. Union Territory of Jammu and Kashmir
through Commissioner Secretary to
Government Revenue Department, Civil
Secretariat Srinagar/Jammu.**
- 2. Sh. Amar Nath Ji Shrine Board through its
Chief Executive Officer 2nd Floor Block III
Engineering Complex Rajbagh, Srinagar.**
- 3. Additional Chief Executive Officer Sh. Amar
Nath Ji Shrine Board 2nd Floor Block III
Engineering Complex Rajbagh, Srinagar.**
- 4. Divisional Commissioner, Kashmir. Sgr.**
- 5. Deputy Commissioner, Anantnag.**
- 6. Additional Deputy Commissioner
Anantnag.**

...Respondent(s)

7. Tehsildar, Anantnag.

8. Tehsildar, Pahalgam.

Through: Mr. Faheem Shah, GA for R-1, 4 to 8.
None for others.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

JUDGMENT (ORAL)

1. The petitioners through the medium of the instant petition are seeking the quashment of the communication issued by Additional Deputy Commissioner bearing No. DCA/DDM/2022-23/1616-18 dated 14.12.2022, impugned in the present petition, in so far as it relates to the identification of the land for construction of Yatri Nivas at Logripora, Tehsil Pahalgam, with a further relief by way of certiorari for quashing the communication dated 05.12.2022 issued by the Additional Chief Executive Officer Shri Amaranthji Shrine Board (SASB), in so far as it affects the rights of the petitioners over the land falling in estate Logripora Tehsil Pahalgam.

2. The instant petition has been preferred on behalf of the inhabitants of village Logripora, Tehsil Pahalgam, District Anantnag, who according to the petitioners have a common grievance to project in the instant petition regarding protection of their rights collectively.

3. According to the petitioners, the number of land holders in the village is very large, so it was not feasible for them to join the instant petition and in the aforesaid backdrop, the instant petition has been preferred in a representative capacity by the

petitioners on their own behalf and on behalf of the other residents of the said village.

4. The petitioners through the medium of the instant petition are aggrieved of the communication addressed by Additional Deputy Commissioner, Anantnag, dated 14.12.2022 and also aggrieved of the communication addressed by the Additional Chief Executive Officer Shri Amaranthji Shrine Board dated 05.12.2022, in so far as it effects the rights of the petitioner villagers over an area reserved for them, for rearing of cattle in the said village.

5. According to the petitioners, an area of the land in estate Logripora falling under Khewat No 926 is reserved as common grazing area, which, according to the petitioners continues to be so recorded as on date. The petitioners are aggrieved of the issuance of communication, which has been addressed to the Deputy Commissioner Anantnag dated 05.12.2022 informing that the Shri Amaranthji Shrine Board proposed to construct high quality additional accommodation for Yatris to the Holy Amarnathji Cave before commencement of Yatra 2023 as Yatri Nivas at multiple locations enroute Holy Cave. The Deputy Commissioner was further informed that in view of the said purpose, he has been requested that suitable State Land of around 150-200 Kanals at Aishmuqam and 40-50 Kanals at a suitable location along Jammu-National Highway may be transferred in favour of the SASB at the earliest, with a view to enable the construction of Yatri Nivas thereon, well before the commencement of the Yatra in the year 2023, a copy of which

was also forwarded to the Divisional Commissioner, Kashmir, for follow up action. In pursuance to the said communication, the Additional Deputy Commissioner, Anantnag, directed Tehsildar Anantnag and Pahalgam, by virtue of letter dated 14.12.2022 to identify State Land as required at Village Subhan Pahri Tehsil Anantnag and Logripora Aishmuqam Tehsil Pahalgam, along with Shajra Khasra by or before 14.12.2022.

6. It is a specific case of the petitioners that they have no concern, in so far as the area earmarked and identified at Subhan Pahri Tehsil Anantnag is concerned, but they are aggrieved of the identification of the land for the aforesaid purpose at Logripora instead of Aishmuqam. It is the specific case of the petitioners that the identification of the land of the petitioners is contrary to the purpose for which the land was required by SASB and the proposed construction of Yatri Nivas at Logripora is not envisaged by SASB, as the construction of the Yatri Nivas away from the route leading to the holy cave is not only inadmissible, but will also be a source of inconvenience to the Yatris. This is how the present petition has been preferred.

7. The record reveals that last and final opportunity was granted to the respondents to file the response vide order dated 05.02.2025, failing which, it was observed that right to file the same shall stand closed. Since the reply in terms of order dated 05.02.2025 was not filed, as such, right to file the response stood closed vide order dated 07.05.2025.

8. Today when the instant petition was taken up, Mr. FaheemShah, learned counsel appearing on behalf of respondents

1, 4 to 8 submits that the instant petition is premature, as no alleged cause of action has accrued to the petitioners and thus in absence of accrual of any cause of action, the writ petition is not maintainable and liable to be dismissed at the very threshold. With a view to advance his case, Mr. Shah, learned Government Advocate argued that, mere identification of State Land at a particular place does not *ipso-facto* gives right to the petitioners, who have filed the instant petition in representative capacity, as till date, the aforesaid identification of the land has not culminated into any proposal or for that matter, the land has been acquired in the particular village for which the petitioners could have a cause to agitate the issue before this Court. Mere identification of land at a particular place which has not culminated into any decision on part of the Government, does not give any right to the petitioners to file the instant petition and in the aforesaid backdrop, it has been prayed that the instant petition is liable to be dismissed, as no cause of action as on date, has accrued to the petitioners to file the instant petition.

9. Mr. Shah, learned Government Advocate has drawn the attention of this Court to a communication issued by the Additional Deputy Commissioner, Anantnag, to Tehsildar Anantnag and Pahalgam, which is impugned in the present petition, a perusal whereof vindicates the stand of the respondents.

10. Heard learned counsel for the parties. With the consent of the parties, the instant petition is taken up for final disposal.

11. This Court is in agreement with the argument advanced by Mr. Shah, learned Government Advocate, that no cause of action as on date has accrued to the petitioners to file the instant petition and merely some land has been proposed for construction of Yatri Nivas by SASB, does not give a right to the petitioners to file the instant petition.

12. Thus, this Court, at this stage refrains from adjudicating the issue on the merits of the case, as the proposal which finds mention in the impugned communication has not culminated into a final decision, which could have given a cause to the petitioners to rush to this Court.

13. The instant petition has been filed in a representative capacity and how and under what circumstances, the petitioners are aggrieved of the aforesaid communication, is not forthcoming from the record. Merely, that some proposal has been mooted by the Government, does not give any cause to the petitioner to file the instant petition in a representative capacity, as the decision in this regard has not yet been taken.

14. Even the aforesaid decision has not been brought to any logical conclusion in light of the fact that the petitioners have already got a restraint order in the instant case on 31.12.2022 by virtue of which, this Court had directed the respondents not to give effect to the order dated 14.12.2022, in case of village Logripora, where the inhabitants are residing and does not fall enroute to Shri Amarnathji Yatra, as required by the SASB.

15. Even otherwise also, the instant petition with the efflux of time, has been rendered infructuous, as the issue pertains to the year 2022, whereby, the Additional Deputy Commissioner, Anantnag, has directed the concerned Tehsildar to identify the State Land at village Subhan Pahri and Logripora respectively, with a further direction to forward the Shajra Khasra to the said office by or before 14.12.2022.

16. Since the aforesaid communication was issued way back in the year 2022, and a specific query was put to Mr. Shah, learned Government Advocate, with a view to enquire whether the said proposal has culminated into any decision, and if so, whether the said decision has been acted upon or not? Mr. Shah, learned Government Advocate produced a copy of communication vide No. DCA/Lit/025/522, dated: 08.07.2025, a perusal whereof reveals, that the Government vide order No. 32-JK(Rev) of 2023 dated 20.03.2023 accorded sanction for the transfer of 40 Kanals of land of estate Subhanpari, Tehsil Bijbehara only in favour of the SASB for construction of Yatri Nivas and the land was handed over and mutated in favour of the Shri Amarnath Shrine Board (SASB). However, as per the record of the office of Assistant Commissioner Revenue, Anantnag, and the report of the Tehsildar concerned dated 27.02.2025, the subject land, i.e. land falling under Khasra No 382 min of estate Logripora, Tehsil Pahalgam, has not been acquired or requisitioned till date and is free from all encumbrances on spot. A copy of communication

produced by Mr. Shah learned Government Advocate is taken on record.

17. Accordingly, in the light of the communication submitted by Mr. Shah, learned Government Advocate, this Court is of the view that the instant petition is premature and has been filed in absence of accrual of any cause of action and thus, the same is liable to be dismissed. Since the writ petition has been preferred only against the proposal which has not been acted upon by the respondents, the same is not maintainable and liable to be dismissed. Even in the light of the report of Tehsildar dated 27.02.2025, the grievance raised by the petitioners stands redressed as the subject land has neither been acquired nor requisitioned by the competent authority for raising construction for Yatri Nivas. On this count also, the writ petition does not survive and deserves dismissal, as the grievance of the petitioners stands redressed.

18. For the foregoing reasons and inlight of the aforementioned communication, the instant petition, which is premature and has been filed in absence of accrual of any cause of action deserves dismissal, and same is, accordingly, **dismissed** with all the connected CMs.

19. Interim direction, if any, shall stand vacated.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
08.07.2025
"Adil Ismail"

❖ Whether the Judgment is Reportable?	Yes/No.
❖ Whether the Judgment is Speaking?	Yes/No