

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

RP No. 2/2024 in
WP(C) No. 2346/2022
CM No. 261/2024

Ghulam Nabi Ahangar

.....Petitioner(s)

Through: Mr. Himanshu Beotra, Advocate.

Vs

UT of J&K & Ors.

.....Respondent(s)

Through: Mr. Ravinder Gupta, AAG.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(22.04.2026)

1. This Court came to accord disposal by virtue of an order dated 05.12.2023 to a writ petition WP(C) No. **2346/2022** preferred by the petitioner herein, who has now come forward seeking review of said order, principally acting on the unanimity of learned counsel for the petitioner then representing the petitioner as well as learned counsel for the respondents that the judgment dated **16.11.2022** of the Hon'ble Division Bench passed in WP(C) No. **1274/2020** applies on all fours to the matter in adjudication in said writ petition and adjudication be on the same lines.

2. Thus, this Court, without undertaking any labour to examine the case of the petitioner as well as the judgment dated **16.11.2022** passed by the Hon'ble Division Bench in WP(C) No. **1274/2020**, acted upon the unanimity of learned counsel for the petitioner as well as the respondents and accorded disposal to the

writ petition by following the line of disposal in terms of judgment dated **16.11.2022** with respect to WP(C) No. **1274/2020**.

3. The petitioner came forward with the present review petition filed on **05.01.2024** with a plea that the order dated 05.12.2023 is based on misconception of facts and law which obviously has resulted in error of fact and law apparent on the face of the record and, therefore, calls for review of order dated **05.12.2023**.

4. In this regard, in the review petition reference has been made to the citations of the Hon'ble Supreme Court of India to support the plea that this Court should indulge in review exercise.

5. When pointed out by this Court to Mr. Himanshu Beotra, learned counsel for the petitioner that this Court was not led to dispose of said writ petition purely on the submissions of counsel for the respondents that the disposal of the writ petition filed by the petitioner be on the same lines as per judgment dated **16.11.2022** of the Hon'ble Division Bench in WP(C) No. **1274/2020** but instead on the unanimity of understanding and opinion of the counsel for the petitioner as well as counsel for the respondents then where was the scope for this Court to examine the law and facts to avoid an error of law and fact in passing order dated **05.12.2023**.

6. Therefore, even if for arguments sake but without aiming any prejudice, assuming that order dated **05.12.2023** according

disposal to the writ petition is afflicted with so called errors of fact and law, still the order dated **05.12.2023** was always amenable to letters patent appeal under clause-12 of the Jammu & Kashmir Letters Patent wherein appellate jurisdiction could have been solicited and if allowed permitted, as argued by Mr. Himanshu Beotra, learned counsel for the petitioner, then order dated **05.12.2023** would have become a history in getting set aside thereby leaving the writ petition open for adjudication on merits unrelated to the judgment dated **16.11.2022** of the Hon'ble Division Bench in WP(C) No. **1274/2020**.

7. This Court has an added reason not to accord indulgence in the present review petition on the count that when this Court finds that both sides through their respective counsel by reference to a Division Bench judgment of this Court are impressing upon a writ court/Single Bench to accord disposal to the writ petition, then should the writ court/Single Bench still insist upon examination of things on merits by undertaking a laborious exercise notwithstanding the unanimity obtaining right in front at the end of the Bar representing the litigants to the lis, and withhold according disposal to the matter. If this practice is to be resorted to, then the unanimity of understanding and submission of counsel for the both sides at any given point of time in a given case is not to be

entertained is what Mr. Himanshu Beotra, learned counsel for the petitioner is meaning to say and this Court is not inclined to accept.

8. In view of the above, the present review petition is **dismissed**.

9. However, in order to save prejudice being caused to the petitioner in the matter of availing a right to file letters patent appeal (LPA) against order dated **05.12.2023** which right at all at every relevant of time stood accrued in favour of the petitioner, then the time spent from the date of institution of the review petition and its disposal taking place today may not be counted in delay in filing of letters patent appeal (LPA) by the petitioner.

JAMMU
22.04.2026

Shivalee

(RAHUL BHARTI)
JUDGE

Whether the order is speaking : Yes
Whether the order is reportable: Yes / No