

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

WP(C) No. 200/2026

CM No. 478/2026

Naveen Chander S/O Sh. Sardari Lal
R/O Village Badori,
Tehsil Bari Brahmana, District Samba.

.....Appellant(s)/Petitioner(s)

Through: Mr. Rakesh Chargoitra, Advocate.

vs

01. U.T of J&K & Ladakh Respondent(s)
Through Commissioner-cum-Secretary
Revenue Department, Government of J&K
Civil Secretariat, Jammu/Srinagar.

02. Deputy Commissioner, Samba.

03. Tehsildar, Bari Brahmana.

Through:

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER

(06.02.2026)

01. Petitioner, through the medium of this petition, seeks direction upon respondent No. 3 to issue revenue paper/fard of land measuring 4-1/3 marlas falling under Khasra No. 1701 situated at Revenue Village, Bari Brahmana, District Samba to the petitioner for the purpose of executing Gift Deed of the aforesaid land in favour of his sister, in view of the law laid down by this Court in case titled, ***“Mohd. Akbar Shah & Ors Vs. State of J&K & Ors”***, reported as ***2017 AIR JK 14***, on fresh application of the petitioner in a time bound manner.

02. Learned counsel for the petitioner has argued that petitioner's earlier application has been declined to issue Fard for the purpose of Gift Deed, on the ground that the mutuation of the land has been attested under the Government Order No. S-432 of 1966 dated 03.06.1966. However, the matter has already been settled by this Court in judgment passed in *OWP No. 982/2015*, reported as 2017 AIR JK 14.
03. Paragraph 13 of the judgment relied upon is relevant and is reproduced hereunder:-

“In earlier times, agriculture activity was the backbone of economy of the State. The land, which was given for agriculture purposes to a State subject, was to ameliorate the sufferings of such person/his family. Now the times have changed. The agriculture activity is no more the main economic activity of the State. The condition of seeking previous permission of the Government for alienation of land, which was given for agriculture purposes, in terms of paragraph 04 of the order of 1966, is rendered otiose and will not effect right of the owner of land to alienate the same provided other statutory requirements are fulfilled for such alienation”.

04. Learned counsel for the petitioner submits that the petitioner shall be satisfied if this petition is disposed of at this stage with a direction to the respondent No. 3-Tehsildar, Bari Brahmana to consider the application of the petitioner which he shall move afresh for issuance of revenue documents/Fard for the purpose of execution of Gift Deed by the petitioner in favour of his sister in

accordance with the judgment referred hereinabove within time bound frame.

05. In view of the pleadings, law cited and submissions made at the bar, the petition is disposed of at the motion stage, with direction to respondent No. 3 to consider the matter afresh, on an application to be moved by the petitioner, for issuance of revenue extract/fard to execute Gift Deed and disposed of the matter within the time line as provided under the J&K Public Services Guarantee Act.

06. The petition, is thus, *disposed of* along with connected application(s).

(M A CHOWDHARY)
JUDGE

Jammu
06.02.2026
Renu

