

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

WP (C) No. 1406/2026

Pronounced on : 18.05.2026

Uploaded on : 18.05.2026

Mohan Lal

.....Applicant(s)/Petitioner(s)

Through :- Mr. Jagpaul Singh, Advocate

v/s

UT of J & K & Ors.

.....Respondent(s)

Through :- Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER (ORAL)

- 01.** Petitioner, through the medium of this petition has sought Mandamus, commanding the Respondent No. 2, to issue fard intikhab/revenue extracts qua the land measuring 14 kanals falling under khasra No. 151min., Khewat No. 52 and Khata no. 324, situated at village Bara, Tehsil Vijaypur, District, Samba, for its alienation, as respondent No. 2, are not issuing the same on the pretext that ownership rights qua the said land were conferred vide mutation No. 172 under G.O. No. S-432 of 1966. A further direction is sought to Respondent No. 3, to admit the document, sale deed, presented for its registration by the petitioner and register the same in accordance with law, without asking for obtaining previous permission from the government for such alienation.
- 02.** Learned counsel for the petitioner submits that the respondents have not been issuing the revenue extracts/(Fard Intikhab) qua the aforesaid land, and accordingly, a prayer has been made for issuance of appropriate directions. It is urged by the learned counsel for the petitioner that the issue involved in the present petition has

already been settled by this Court. In support of his contention, learned counsel has placed reliance upon the judgment of this Court reported as AIR 2017 J&K 14, titled *Mohammad Akbar Shah & Ors. v. State & Ors.* This Court, in the aforesaid judgment, at paragraph 13, held as under:

“In earlier times, agricultural activity was the backbone of economy of the state. The land, which was given for agricultural purposes to a State subject, was to ameliorate the sufferings of such person/his family. Now the times have changed. The agricultural 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 agricultural purposes, in terms of paragraph 04 of the order of 1996, 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.”

03. Further, this Court in the case titled “*Angrez Singh vs. UT of J&K & Ors.*” bearing WP (C) No. 1657/2023, while relying on Mohammad Akbar Shah’s case (supra), held as under:

“The judgment, in very clear and categorical terms, hold that the condition no. 4 of the government Order no. S-432 of 1996 dated 03.06.1966 is rendered otiose and is not to effect the right of the owner of the land to alienate the same provided other statutory requirements are fulfilled for such alienation. Thus, it was not available for the Tehsildar Marheem to seek any clarification with respect to the similarity of the case of the petitioner vis-à-vis that of the person who was the petitioner in OWP no. 982/2015”

04. The judgment of this Court in Mohammad Akbar Shah (supra) to the extent it holds that condition no. 4 of Government Order No. S-432 of 1996 dated 03.06.1996 is a *judgment in rem* and is to be implemented by all concerned, including the Tehsildars.

05. This writ petition can be disposed of at this stage by taking due cognizance of the position of law settled by this Court in Mohammad Akbar Shah (supra), wherein this Court held that condition No. 4 of the Government Order No. S-432 of 1996, dated 03.06.1996, is *otiose*.
06. Keeping in view the aforesaid facts and circumstances, as well as the case law and with the consent of learned counsel for the other side, this writ petition is disposed of with a direction to the Tehsildar Vijaypur to consider issuance of the requisite revenue documents in favour of the petitioner, subject to the condition that the petitioner does not suffer from any other legal disability or disqualification preventing him from seeking or obtaining the requisite revenue 'Fard intikhab' concerning the proposed alienation of the land intended by him within a period of one month from the date of receipt of the certified copy of this order.
07. ***Disposed of*** accordingly, alongwith pending application(s).

(Moksha Khajuria Kazmi)
Judge

JAMMU
18.05.2026
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Whether the order is speaking : Yes
Whether the order is reportable : No