

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2097/2026

CM No. 4537/2026

Om Parkash and another

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

Through: Mr. M K Sharma, Advocate with
Mr. H A Farooqi, Advocate

vs

UT of J&K and others

..... Respondent(s)

Through: Ms. Chetna Manhas, Assisting counsel to
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

13.07.2026

1. The petitioners claim to be the lawful owners in possession of land measuring **09 kanals and 04 Marlas** falling under **Khasra No. 1706**, situated at Village Ambaraan, Tehsil Akhnoor, District Jammu. It is their case that a civil suit concerning the subject property is already pending between the parties before the competent Civil Court, wherein, vide order dated 15.05.2026, the parties have been directed to maintain *status quo* with regard to the suit property. It is further averred that the petitioners approached respondent Nos. 4 and 5 seeking demarcation of the aforesaid land; however, their request has not been entertained. According to the petitioners, the respondents have declined to undertake the demarcation solely on the ground that the Civil Court has directed the parties to maintain *status quo*.
2. Having heard learned counsel for the parties and upon perusal of the record, it is evident that the relief sought in the present writ petition is essentially a writ of mandamus directing respondent Nos. 4 and 5 to

conduct demarcation of the aforesaid land. It is, however, an admitted position that the dispute with regard to the subject property is already pending adjudication before the competent Civil Court and that an order directing the parties to maintain *status quo* is operating in the matter. Such an order is always amenable to clarification, modification or appropriate directions by the Court which has passed it.

3. In these circumstances, the petitioners had an equally efficacious and appropriate remedy of approaching the trial Court for suitable directions, including the appointment of a commissioner for local inspection under the provisions of the Code of Civil Procedure and, if considered necessary, for carrying out demarcation of the suit property. Since the trial Court is already seized of the dispute, it is fully competent to pass such ancillary or consequential orders as may be warranted for the effective adjudication of the controversy.
4. Viewed thus, respondent Nos. 4 and 5 cannot be faulted for declining to undertake the demarcation in view of the subsisting order of *status quo* passed by the Civil Court. The controversy raised by the petitioners is essentially a private civil dispute between the parties to the pending suit. No element of public law is involved so as to warrant the exercise of writ jurisdiction under Article 226 of the Constitution of India. A writ of mandamus cannot be issued to compel the revenue authorities to undertake demarcation in a matter where the Civil Court is already seized of the dispute and has passed an interim order governing the rights of the parties.
5. This Court is, therefore, of the considered opinion that the present writ petition is misconceived and amounts to an attempt to bypass the

remedy available before the trial Court, which is already in seisin of the matter. The petitioners are at liberty to seek appropriate relief before the Civil Court, including a prayer for appointment of a commissioner or for issuance of appropriate directions regarding demarcation of the suit property.

6. Accordingly, the writ petition is ***dismissed***, with the aforesaid liberty.
No order as to costs.

(Sanjay Parihar)
Judge

Jammu
13.07.2026
Diksha

