

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

**WP(C) No. 2777/2026
CM No. 6083/2026**

Partap Singh

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

Through: Mr. Amit Gupta, Sr. Advocate with
Mr. Vijay Gupta, Advocate.

vs

UT of J&K and others

..... Respondent(s)

Through: Ms. Sagira Jaffar, Advocate vice
Ms. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

**ORDER
07.09.2026**

1. The petitioner, through the medium of present petition, has challenged rejection order dated 11.07.2026, whereby his application for issuance of revenue extracts has been rejected by Tehsildar, Samba on the ground that the land in question has been acquired by the petitioner in terms of Govt. Order No. S-432 of 1966.
2. Issue notice to the respondents.
3. Ms. Sagira Jaffar, Advocate appearing vice Ms. Monika Kohli, learned Senior AAG waives notice on behalf of the respondents.
4. **Heard learned counsel for the parties and peruse the record.**
5. It appears that the petitioner, who claims to be owner in possession of land measuring 4 Kanals falling under Khasra No. 69/66 situated at Village Nandni, Tehsil and District Samba, intends to sell 3 marlas of aforesaid land and for this purpose he has approached the Office of

Tehsildar, Samba for issuance of revenue extracts vide his application bearing receipt No. 22840407202623060973. After completing the requisite formalities, respondent No. 3, it appears did not issue the revenue extracts and ultimately on 11.07.2026 request of the petitioner was rejected on the ground that the land has been acquired in terms of Govt. Order No. S-432 of 1966, as a result whereof, in terms of conditions attached to the said government order, land cannot be alienated.

6. The question that has arisen for determination of this Court is as to whether the action of the respondents by not issuing the revenue extracts for the purpose of alienation of land owned and possessed by the petitioner is sustainable in law.
7. The issue whether the land acquired by a person in terms of Govt. Order No. S-432 of 1966 dated 03.06.1966, whereby a condition was imposed that the allottee shall not alienate the same without permission of the Government, is entitled to alienate the said land or not has been set at rest by this Court in cases of **Mohammad Akhbar Shah and others vs. State and others** reported in **AIR 2017 J&K 14** and **Angrez Singh Vs. UT of J&K 2025** reported in **AIR Online 2023 J&K 553**, wherein it has been held that the condition of seeking previous permission of Government for alienation of land which was allotted for agricultural purpose in terms of Govt. Order No. S-432 of 1966 dated 03.06.1966 is otiose and the same, therefore, will not affect right of the owner of the land to alienate the same. The ratio laid down

in **Mohammad Akhbar Shah's case (supra)** has been consistently followed by this Court in all subsequent cases.

8. In view of the above, it is not open to the respondents to refuse the issuance of revenue extracts in respect of the land owned and possessed by the petitioner on the ground that the same has been acquired by him in terms of Govt. Order No. S-432 of 1966 dated 03.06.1966.
9. Accordingly, the instant petition is allowed and the respondents are directed to furnish revenue extracts in respect of the land owned and possessed by the petitioner for the purpose of its proposed alienation, provided there is no other legal impediment in issuance of the same.
10. **Disposed of along with the connected application.**

(SANJAY DHAR)
JUDGE

Jammu
07.09.2026
Sahil Padha