

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

Case:- WP(C) No. 2986/2026
CM No. 6578/2026
Cav No. 2249/2026

Sain Miran Baba Darvesh Ghulam
Qadir Trust

.....Petitioner

Through :- Mr. Abhinav Sharma, Sr. Advocate
with Mr. Abhirash Sharma, Advocate

v/s

UT of J&K & Ors.

.....Respondents

Through :-

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

ORDER
18.09.2026

1. Heard Mr. Abhinav Sharma, learned Sr. Advocate.
2. The petitioner identifies itself to be a trust constituted by the local residents of Poonch, being Muslims, for the purposes of administering and managing the affairs of a Sufi religious place known as **Ziyarat Sain Miran Baksh, Guntrian and Ziarat Darvesh Ghulam Qadir Takia Sharief, Bandi Chachian.**
3. The writ petition **OWP No. 1151/2011**, joined by **OWP No. 500/2019 (WP(C) 1143/2019)**, preferred by the petitioner in order to salvage the aforesaid two religious places from the reach and claim of J&K Wakafs Act, 2001 resulted in final adjudication in the form of a judgment dated **31.07.2026** dislodging the petitioner

in both writ petitions from its claim and upholding the declaration of two religious places as waqf amenable to be administered and managed by the establishment as envisaged under the J&K Wakfs Act, 2001.

4. Since the petitioner reckoned itself to be in the saddle in terms of day to day affairs of said two religious places, as such, it preferred letters patent appeals **No. 157 of 2026** and **158 of 2026** before the Hon'ble Division Bench in which, by virtue of an interim order dated **10.08.2026**, notice has come to be issued to the respondents therein which came to be accepted by the respondents' sides counsel.

5. The Hon'ble Division Bench has come up with an observation in para (5) of its order dated **10.08.2026** that meanwhile the respondent-authority shall maintain proper accounts and records of all the donations of the Ziarat of Sain Baba Miran Baksh Sahib and produce the same before the Court as and when directed.

6. The direction of the Hon'ble Division Bench, of course, is prospective in its intendment as during the pendency of the writ petition, interim directions were operating in favour of the petitioner on the basis whereof the day to day management of the religious places was in the hands of the petitioner.

7. Mr. Abhinav Sharma, learned Senior Advocate submits that against said order dated **10.08.2026**, the petitioner has come to prefer a special leave petition being **SLP No. 28418/2026** in which by virtue of an order dated **14.08.2026**, the direction for *status quo* obtaining as on **14.08.2026** has come to be directed to be maintained by the parties.

8. The petitioner comes forth with the present petition by a purported cause of action relatable to the issuance of an impugned communication **No. JKWB/EO/P/2026/1015-19** dated **27.07.2026** by the Executive Officer/Administrator, J&K Waqf Board Unit, district Poonch addressed to the J&K Bank, Poonch on the issue of withholding the operation of the account of Sian Miran Trust, Poonch followed by order **No. JKWB/EO/D/P/2026/1177-91** dated **01.08.2026** issued by the Executive Officer, J&K Waqf Board, Poonch on the subject of taking over the management and administration **of Ziyarat Sharief Sain Miran Baksh, Guntarian and Ziyarat Darvash Ghulam Qadir Takia Sharief, Bandi Chachian** with all associated properties.

9. The petitioner is coming forth with the present writ petition intending it to be maintained on the plea that the course of action from the end of the Executive Officer/Administrator, J&K Waqf Board is not relatable with the adjudication of the petitioner's

two writ petitions in terms of judgment dated **31.07.2026** as the manner in which the administration and management of the two religious places, held by the writ court to be a wakf property, was to be taken from the petitioner is only by the mandate of the law as set out in the J&K Wakfs Act, 2001 whereas the respondents have acted contrary thereto and tried to usurp the administration and management of the bank accounts of the Trust relatable with the religious places above mentioned and also meaning to wrest the management and administration of the two religious places without inviting its formal handing over from the end of the petitioner.

10. The petitioner, thus, reckons itself to be in the hold of administration and management both of the bank accounts and the two religious places and in that light *status quo* direction placed by the Hon'ble Supreme Court of India is being read by the petitioner to obtain.

11. This Court is caught in a predicament as to whether this Court has any adjudicatory role left in entertaining this writ petition even if submissions of Mr. Abhinav Sharma, learned Sr. Advocate are tempting to say that without adopting due course of law as envisaged by the writ Court in its judgment dated **31.07.2026**, the impugned course of action has been resorted to by the Executive

Officer and Administrative Officer thereby generating a fresh cause of action for this writ petition.

12. The development which has occurred coinciding with the passing of judgment dated **31.07.2026**, be it two days prior by issuance of communications **No. JKWB/EO/P/2026/1015-19** dated **27.07.2026** and **No. JKWB/EO/P/2026/1139-44** dated **29.07.2026**, admittedly are prior to the pronouncement of judgment dated **31.07.2026** and more so in the eyes of law not to be qualified under the J&K Wakfs Act, 2001 and last being Order **No. JKWB/EO/D/ P/2026/1177-91** dated **01.08.2026** which admittedly is a very next day order by reference to judgment dated **31.07.2026**.

13. In order to entertain this petition from the end of the petitioner, this Court would, in effect, have to extend a legal recognition to the petitioner that it is entitled to stay in administration and management of the funds/collections received by it and maintained in the form of the bank accounts and also to physically run the day to day affairs of the two religious places which legal status has been lost to the petitioner by way of a judgment dated **31.07.2026** and the same has been stayed by the Hon'ble Division Bench and, therefore, any indulgence which the petitioner intends to seek in its favour, in the given facts and

circumstances of the case, can only be earned by the petitioner from the Hon'ble Division Bench seized of **LPA Nos. 157 of 2026** and **158 of 2026**.

14. As such, this writ petition is not entertained and dismissed *in limini* without prejudice to the right of the petitioner to avail the indulgence of the Hon'ble Division Bench for appropriate directions in the matter.

(RAHUL BHARTI)
JUDGE

JAMMU
18.09.2026
Sneha

Whether the order is speaking : Yes / No

Whether the order is reportable : Yes / No

