

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

WP(C) No. 2849/2022

Mohd Bashir

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

Through: Mr. Shamas Ud Din Shaaz, Advocate

Vs

U.T. of J&K and others

..... Respondent(s)

Through: Ms. Priyanka Bhat, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG
Mr. Amit Bhardwaj, Advocate

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
13.07.2026

1. The only grievance of the petitioner raised in the instant petition which has been preferred under Article 226 of the Constitution of India, is that the impugned judgment dated 27.08.2020 passed by respondent No. 2 is illegal, contrary to law and facts and has been passed without due application of mind and is liable to be set aside on the ground that the same was passed when there was a complete lockdown in entire country due to COVID-19 and the respondent No. 2 without providing the petitioner an opportunity of being heard has passed the aforesaid order/judgment which is in violation of the principle of natural justice as the petitioner has been condemned unheard. The petitioner has also raised certain legal issues in the instant petition.
2. In addition to the aforesaid plea, Mr. Amit Bhardwaj, learned counsel appearing on behalf of contesting respondent No. 3, fairly concedes to the

avermment and the objection raised by the petitioner in the instant petition that the order has been passed by the Court below is without providing an opportunity of being heard to the petitioner during the period of lockdown. Learned counsel appearing on behalf of the contesting respondents makes a categorical statement that he is not averse to the matter being referred/remanded back to the Court below by providing an opportunity of being heard to the petitioner so that the petitioner is provided opportunity to put forth his claim.

3. Learned counsel appearing on behalf of the official respondents is also not averse to the statement made by the contesting respondent and she is also not averse to the matter being remanded back to the appropriate Court.
4. Thus, in the light of the statement made by the learned counsel appearing for both the rival parties, this Court in the peculiar facts and circumstances of the case, deems it appropriate to remand the matter back to the Court of the Additional Deputy Commissioner, Poonch, with a direction to consider the matter afresh by providing an opportunity of being heard to the petitioner and the contesting respondent including the private respondents and other stakeholders, if any, in accordance with law. The appeal shall be decided expeditiously, preferably within a period of two months from the date a copy of this order along with the writ petition, annexures are made available to the said authority.
5. Needless to say that the petitioner shall be at liberty to raise all available legal as well as factual issues before the Appellate Authority and the respondent No. 2 shall expeditiously dispose of the said appeal preferably within the aforesaid period.

6. Let the parties shall appear before the Appellate Authority, i.e., Additional Deputy Commissioner, Poonch, on **22.07.2026**.
7. Registry is directed to transmit the record forthwith. As a necessary corollary, the impugned judgment/order dated 27.08.2020 is hereby set aside/quashed.

(Wasim Sadiq Nargal)
Judge

Jammu
13.07.2026
Nikhil

