

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

**Case No: LPA No.7/2026
CM No. 318/2026
Caveat No. 2478/2025**

*Reserved on: 02.02.2026
Pronounced on: 13.02.2026
Uploaded on: 13.02.2026*

*Whether the operative part or full
Judgment is pronounced :Full*

Romesh Kumar

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

Through: Mr. G.S.Thakur, Advocate.

v/s

J&K Special Tribunal and
others

Through: Ms. Sagira Jaffer, Assisting counsel to Ms.
Monika Kohli, Sr. AAG.
Mr. D.R.Khajuria, Sr. Advocate along with
Assisting counsel.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

PER OSWAL-J

1. With the appearance of Mr. D.R.Khajuria, learned Senior counsel along with assisting counsel on behalf of respondents 5 and 6, Caveat No. 2478/2025 shall stand discharged.

2. The Mutation No.225 in respect of the land measuring 4 kanals 8 marlas under Khasra No.242 situated at village Kallar Himmiti, Tehsil and District Udhampur was attested on 17.12.1981 by Tehsildar, Udhampur under Section 4 of the Jammu & Kashmir Agrarian Reforms Act (for short- 'the Act') in favour of the predecessor-in-interest of the contesting respondents, namely, Isher Lal. Another Mutation No.238 dated 21.12.1982 under Section 4 of the Act was also attested in favour of said Isher Lal in respect of the land measuring 11 Kanals 10 marlas comprising under Khasra No.225. Thereafter, Mutation No. 243 was attested under Section 8 of the Act by Tehsildar Udhampur on 23.02.1983 and the ownership rights were conferred upon said Isher Lal. Yet again another Mutation No. 311 dated 19.11.1986 was attested in favour of Isher Lal under Section 4 of the Act regarding land measuring 7 kanals comprising under Khasra No.225 and thereafter the ownership rights in respect of the same land were conferred upon said Isher Lal vide Mutation No.312 dated 24.11.1986 attested under Section 8 of the Act.
3. All the above mentioned Mutation orders were assailed by the appellant and other co-owners through the medium of four appeals before the appellate authority, i.e. Commissioner Agrarian Reforms (Additional Deputy Commissioner), Udhampur on 04.04.2009. The appellate authority dismissed the above mentioned appeals in terms of four separate orders dated 01.03.2012, being time-barred. The said orders were assailed by the appellant through the medium of four Revision Petitions before the J&K Special Tribunal, Jammu, but all

these Revision Petitions were dismissed in terms of common order dated 30.10.2015.

4. The order dated 30.10.2015 was assailed by the appellant through the medium of OWP No.1748/2015 by contending that the land regarding which the mutations were attested was *banjar kadeem, gair mumkin khambian, warhal mandi, talab and kah charai*, therefore, it was outside the purview of the Act. It was further contended that no relationship of landlord and tenant existed between the appellant and the predecessors-in-interest of the private respondents. It was also urged that, since the contesting respondents belonged to the Mahajan community, which is a non-agricultural class in terms of Section 6 of the Alienation of Land Act, the mutation under Sections 4 and 8 of the Act could not have been attested in their favour.
5. The contesting respondents in their response stated that the appellant had no locus to file the writ petition as he was not the owner of the land in question and the **Will** which was relied upon by the appellant to demonstrate his locus was suspicious in nature. It was also stated that while attesting Mutations under Section 4 of the Act in respect of the land recorded as 'Banjar Kadeem', the said land was converted into 'warhal mandi' by correction of entry on spot by the Tehsildar, Agrarian Reforms. The Mutations attested in favour of the predecessors-in-interest of the contesting respondents were never challenged by the appellant and his co-owners for several decades and after 24 years, the appellant cannot assail the Mutations. It was also urged that the contesting respondents had built their houses on the land in question about 40 years ago and once the other co-owners

of the land did not challenge the Mutations orders and join the appellant in the writ petition, acquiescence in favour of the contesting respondents regarding attestation of the Mutations was established. Vide the impugned order dated 18.10.2025, the learned writ Court dismissed the writ petition preferred by the appellant.

6. Aggrieved thereof, the appellant has filed the present intra-court appeal, challenging the said order on the similar grounds that were urged before the learned writ Court and noticed hereinabove.
7. Heard learned counsel appearing for the parties and perused the record.
8. The appellant's challenge pertains to Mutations attested between 1981 and 1986. His locus precisely rests on a **Will** allegedly executed by Shri Paramanand. Crucially, Shri Paramanand died in 1992, surviving the final Mutation, i.e. Mutation no. 312 by six years. The appellant's standing is fundamentally undermined by the fact that Shri Paramanand, his predecessor-in-interest, raised no objection to these Mutations throughout the six years he survived their attestation.
9. Furthermore, the record shows that the appellant has not contested the findings in paragraph 14 of the impugned judgment. Specifically, the Writ Court observed that co-owner Des Raj was present during the attestation of the Mutations and affixed his signatures to the orders. Similarly, the appellant's father, Dina Nath, was present for the attestation of Mutation No. 225 (dated 17.12.1981), and his signature appears on the record. Given these facts, and the fact that the appellant is a resident of the same village who never denied the construction raised on the land, his plea of ignorance regarding the Mutations is

untenable. It is also significant that while other petitioners unsuccessfully challenged the appellate authority's order before the J&K Special Tribunal, only the appellant has chosen to assail the Tribunal's order dated 30.10.2015.

10.It goes without saying that in terms of Section 22 of the Agrarian Reforms Act, the period of limitation prescribed for challenging an appealable order is sixty days, and by virtue of sub-section (2) of Section 22 of the said Act, the provisions relating to limitation stand attracted to such appeals. Thus, the appellant was required to demonstrate sufficient cause for not approaching the appellate authority within the prescribed period of limitation, which he failed to demonstrate.

11.As previously noted, Shri Paramanand, through whom the appellant claims standing, never challenged the Mutations during his lifetime, despite surviving for six years following the final attestation. Furthermore, it is undisputed that the contesting respondents have raised construction on the subject land. Given these circumstances, the appellant's plea of ignorance regarding the Mutations is entirely inconceivable.

12.We have examined the impugned judgment and find that the learned Writ Court correctly concluded that a challenge to the Mutations after a lapse of 24 years constitutes an inordinate delay, which cannot be countenanced in law. The learned writ Court, while placing reliance upon the judgments of the Hon'ble Supreme Court in *Pathapati Subha Reddy v. Special Deputy Collector* 2024 SCC OnLine SC 513 and *Shivamma (Dead) through LRs v. Karnataka Housing Board & Ors.*

2025 Live Law (SC) 899, has dismissed the writ petition. We are in complete agreement with the reasons assigned by the learned writ Court for dismissing the petition. Accordingly, the order dated 18.10.2025 passed by the learned writ Court in OWP No. 1748/2015 is upheld. The present appeal is found to be devoid of merit and is, therefore, **dismissed**, along with the connected CM(s), if any.

(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
13.02.2026
Madan Verma-Secy

Whether order is speaking? **Yes**
Whether order is reportable? **No.**

