

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

**WP (C) No. 16/2026
CM No. 27/2026**

Muneer Ahmad Mir

... Petitioner(s)

**Through: -
Ms Arifa Jan, Advocate.**

V/s

Union Territory of J&K and Ors.

... Respondent(s)

CORAM: HON'BLE MR JUSTICE SHAHZAD AZEEM, JUDGE.

(ORDER)

14.01.2026

01. The Petitioner, through the medium of the present Writ Petition, has invoked the extraordinary Writ jurisdiction of this Court against the Order dated 17th of November, 2025 passed by Respondent No.4-Deputy Commissioner, Bandipora, whereby the Tehsildar, Bandipora and Executive Officer, Municipal Council, Bandipora have been directed to proceed to seal the structures constructed on the *kacharie* land (common grazing land) land after following due procedure under law.

02. The grievance of the Petitioner is that commercial structures have been constructed, 50 years back and that the Petitioner is in continuous possession of the said structures ever since and same are also the source of his livelihood. The Petitioner claims that the impugned Order of sealing came to be passed in violation of rules of natural justice and without following due procedure of law, therefore, same is bad in law and thus prays for indulgence of the Court.

03. Heard learned Counsel for the Petitioner and perused the pleadings on record.

04. Since, the Petitioner is on admission regarding the nature of the land over which commercial structures have come up, in that, same is *Mehfooz kacharie*, therefore, the *kacharie* land, for all practical

purposes, remains State-owned with only right of user for the community, *sans* any proprietary or transferable right in it. It is also settled proposition of law that the encroachers over said common grazing land have no claim, even after long possession.

05. In this regard, reference can be made to Section 133 (2) of the Land Revenue Act, Svt. 1996 which prohibits encroachment of *kacharie* land, in any manner whatsoever.

06. Although, the Petitioner has placed reliance on the Judgment passed by the Hon'ble Supreme Court in case titled '**Jagpal Singh & Ors. v. State of Punjab & Ors., (2011) 11 Supreme Court Cases 396**', so as to buttress the point that without issuing show cause notice and hearing, no eviction Order can be passed by the Authority. However, perhaps paragraph No.23 of the same Judgment has escaped the attention of the Petitioner, wherein the Hon'ble Supreme Court has given direction to all the State Governments in the country that they shall evict the illegal/ unauthorized occupants of such land.

07. In the impugned Order itself, it has been observed that the sealing of the structures be done only after following due procedure of law, therefore, once the nature of the land is not in dispute, in that, same being *kacharie* land, the Petitioner has no invested right to own or possess it, particularly for the commercial activities, to the exclusion of community jointly. At the same time, be it noted by virtue of the impugned Order, the Petitioner has not been evicted from the commercial structures, rather, sealing has been ordered, that too, only after observing due procedure of law.

08. Therefore, in the wake of the aforesaid admitted factual and legal position, no interference is warranted. Accordingly, this Petition is **dismissed** in *limine*, along with the connected CM.

(SHAHZAD AZEEM)
JUDGE

SRINAGAR

January 14th, 2026

"TAHIR"