

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

WP(C) 64/2026 CM(126/2026)

HAMIDULLAH BHAT AND ANR. ...Petitioner(s)

Through: Mr. Mir Manzoor Ahmad, Advocate
Vs.

UT OF JK & ORS ...Respondent(s).

Through: Ms. Maha Majeed, Assisting Counsel vice
Mr. Mohsin Qadri, Sr. AAG for R-1 to R-3
Ms. Yasmeena Jan, Adv. vice
Mr. T.M. Shamsi, DSGI for R-4 to R-6

CORAM: HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER
28.01.2026

1. Ms. Maha Majeed, learned Assisting Counsel, appears vice Mr. Mohsin Qadri, learned Sr. AAG, and accepts notice in the matter for the respondents 1 to 3, and Ms. Yasmeena Jan, learned counsel appears vice Mr. T.M. Shamsi, learned DSGI, and accepts notice in the matter for the respondents 4 to 6.

2. Heard the learned counsel for the petitioners in respect of the matter.

3. The case of the petitioners, in nutshell, is that they are the recorded owners of land measuring 6 kanals and 8 marlas under Survey No. 835 min, situated at Karewa, Chawalgam, Kulgam, along with the residential house constructed thereon. That the residential structure on the aforesaid land came to be damaged in a bomb blast in the year 1992. That due to the then prevailing turmoil in the Valley, they migrated from Kashmir in 1995, and their aforesaid property came to be occupied by the security forces, which are in the continuous occupation of the same since then.

That since 1995 onwards, they repeatedly approached the concerned

authorities for assessment and payment of rent on account of the

occupation of their aforesaid land and building. That in September, 2022, the Defence Estates Officer, Kashmir Circle, sought a factual report from the Deputy Commissioner, Kulgam. That the verification which was conducted by the office of the Deputy Commissioner, Kulgam, confirmed them as being the recorded owners of the said property as well as the occupation of the same by the RR Camp, Karewa, Chawalgam, Kulgam. It, *inter-alia*, came in the report that the revenue officials were not permitted access to the premises for proper demarcation of the same. That subsequent reports submitted by the Tehsildar, Kulgam in May, 2023, again confirmed their ownership regarding the landed property in the occupation of the security forces. That all the said reports came to be forwarded to the Defence Estates Officer in September, 2024. That in the process, the office of the Deputy Commissioner, Kulgam in June, 2025 directed the Superintending Engineer, PWD (R&B), Kulgam, to assess the rent of the occupied premises, including the land, building and trees. That assessment teams were constituted on more than one occasion but access to the premises for demarcation, measurement and assessment was denied by the concerned Commanding Officer of the Army, thereby halting the whole assessment process. That they have been denied their valuable constitutional right to property by the inaction on the part of the respondents 4 to 6. That they have been finally forced to approach this Court for vindication of their legal rights.

4. The learned counsel for the petitioners submitted that the matter can be disposed of at this threshold stage by directing the respondents to expedite the assessment of the rent in respect of the landed property consisting of land measuring 6 kanals and 8 marlas falling under Survey no. 835 min, situated at Karewa, Chawalgam, Kulgam alongwith trees and residential house standing/constructed thereon, in accordance with

the law, after proper demarcation, measurement and assessment of the occupied premises.

5. It is the case of the petitioners that the occupation of their aforesaid property by the security forces is not at all denied, as the said fact has already been confirmed by the office of the Deputy Commissioner, Kulgam.
6. The learned counsel for the petitioners, in support of his contentions, placed reliance on the judgments of this Court cited as ***“Khazir Mohammad Dar & Ors. Vs. State of J&K & Ors” 2018 Legal Eagle (J&K) 633; “Abdul Ahad Shergojry Vs. State of JK & Ors” 2022 Legal Eagle (J&K) 456 and “Piaray Lal Bhat Vs. State of JK & Ors” 2019 Legal Eagle (J&K) 899.***
7. The appearing counsel for respondents 4 to 6, however, submits that the said respondents be provided an opportunity to file their reply/objections in the matter.
8. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of even at this threshold stage by passing of appropriate directions which are not likely to prejudice/affect the rights and liabilities of any of the parties.
9. Accordingly, the instant petition is disposed of with the direction to respondent No. 2, i.e, the Deputy Commissioner, Kulgam, to expedite the assessment of the rent in respect of the subject property on account of the occupation of the same by the security forces, in accordance with law, so that the rent is being paid to the petitioners, subject to their being lawful owners of the same, at an earliest and without any further delay. The respondents 5 & 6, who are alleged to have frustrated the due process of the assessment of the rent on account of the occupation of the subject property by denying the access to occupied premises for the purposes of

necessary measurement, demarcation and assessment shall allow the necessary measurement, demarcation and assessment to be made by the competent authorized officers/officials. The respondents 3 & 4 shall fully assist and cooperate, in accordance with the law, with the office of the Deputy Commissioner, Kulgam, for facilitating the assessment of the rent. The respondent No. 2-Deputy Commissioner, Kulgam shall finalize the rent assessment process within a period of three months under a report of compliance to the Registry of this Court.

10.Disposed of.

SRINAGAR
28.01.2026
ARIF

(MOHD YOUSUF WANI)
JUDGE