

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

WP(C) 157/2026 CM(330/2026)

MOHAN LAL RAINA AND OTHERS

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

Through: Mr. Mudasir-bin-Hassan, Advocate

Vs.

UT OF JK & ORS

...Respondent(s).

Through:

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

ORDER

03.02.2026

1. Heard the learned counsel for the petitioners and considered his submissions.
2. The case of the petitioners as projected through the medium of the instant petition in nutshell is that they are aggrieved of inaction on the part of the official respondents, in particular the respondent No. 2, who has slept over that the conferment of ownership rights upon them in respect of the dwelling house/site thereunder along-with the land appurtenant thereto, falling under Khewat No. 10 situated at Estate Lalgam, Tehsil Tral, District Pulwama. That the subject property was validly held by their predecessor-in-interest in terms of Section 6(1)(2) of the Agrarian Reforms Act, 1976, and is being retained by them after their predecessor's death, on account of which fact they qualify under law for conferment of ownership rights *viz-a-viz* the said property in terms of the provisions of Section 8(3) of the Act. That the learned Financial Commissioner, Revenue, J&K, Srinagar, has already in his judgment passed directions upon all the Tehsildars to complete the pending work in terms of the Agrarian Reforms Act, subject to the fulfillment of the conditions required for proper updation of the revenue records. That they

have also preferred an application before the learned Financial Commissioner, Revenue, J&K, Srinagar, on the same touchstone for conferment of ownership rights upon them *viz-a-viz* the subject property, but same has been kept unattended, as no direction has been passed upon the Tehsildar concerned to attest mutation in terms of Section 8(3) in their favour in respect of the subject land. That the said inaction is not only derogatory to the doctrine of stare decisis but is also likely to cause potential prejudice to their proprietary rights as guaranteed under the Constitution.

3. Learned counsel for the petitioners, during his submissions also submitted that the matter can be disposed of even at this threshold stage by passing a direction upon the respondent No. 2, i.e., the learned Financial Commissioner, Revenue, J&K, Srinagar for proceeding on their pending application in accordance with the provisions of the Agrarian Reforms Act.

4. Perused the record of the instant petition. Also considered the submissions of the learned counsel for the petitioners.

5. In the backdrop, this Court is of the opinion that as rightly submitted by the learned counsel for the petitioners, the matter can be disposed of even at this threshold stage by directing the respondent No. 2 to address the pending application of the petitioners regarding conferment of ownership rights upon them in respect of the subject property in terms of provisions of Section 8(3) read with Section 6(1)(2) of the Agrarian Reforms Act, and to pass appropriate orders thereon.

6. Accordingly, the instant petition is disposed of with the direction to the respondent No. 2, i.e., the learned Financial Commissioner, Revenue, J&K, Srinagar, to address the pending application of the petitioners for

conferment of ownership rights upon them in respect of the subject property in terms of the provisions of Section 8 (3) read with 6(1)(2) of the Agrarian Reforms Act and pass appropriate orders under law within a period of six weeks, as warranted in the facts and circumstances of the case.

7. Disposed of.

**(MOHD YOUSUF WANI)
JUDGE**

SRINAGAR

03.02.2026

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