

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

CM(M) 44/2026 CM(613/2026) CM(839/2026)

Gh. Qadir Mantoo & Others

...Petitioner(s)

Through: Mr. Mir Majid Bashir, Advocate

Mst. Khatooni and Others

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

23.02.2026

1. The respondents No. 1 to 5 herein came to file a civil suit on **File No. 101/VM** dated **11.07.2020**, before the Court of the learned Munsiff, Anantnag.

2. In their said civil suit, the respondents No. 1 to 5 named 18 defendants.

3. The respondents No. 1 to 5's suit is for declaration, possession along with permanent prohibitory injunction.

4. The respondents No. 1 to 5 as plaintiffs in the civil suit have prayed for following reliefs:-

- (i) That the plaintiffs are owners in possession of land under survey numbers 526/54 land measuring 4 Kanals 4 $\frac{1}{2}$ Marlas, 531/434/60 land measuring 1 Kanal 5 Marlas, 536/61 land measuring 11 Marlas through Mohd Yusu Layguroo and another, 525/54 land measuring 1 Kanal 2 Marlas, 828/270 land measuring 4 Kanals, 763/432/302 land measuring 1 Kanal, 685/216 land measuring 3 Kanals 18 Marlas, 496/12 land measuring 9 $\frac{1}{2}$ Marlas, 523/54 land measuring 1 Kanal through the beneficiary plaintiff 3, 536/61 land measuring 11 Marlas through beneficiary of plaintiff 3, 732/259 land measuring 3 Kanals and 733/259 land measuring 15 Kanals 05 Marlas situated at Panzmullah, Anantnag. A decree of declaration to this effect may be passed.
- (ii) That the plaintiffs in addition to land mentioned in above stated survey numbers are also entitled to hold and possess landed estate/s mentioned in survey numbers 17 land measuring 4 Kanals 12 Marlas, 17/1 land measuring 3 Kanals 8 Marlas, 526/54 land measuring 8 Marlas, 764/432/302 land measuring 1 Kanal, land measuring 495/12 land measuring 4 Kanals, 798/321 land measuring 1 Kanal 16 Marlas, 686/216 land measuring 2 Kanals 10 Marlas, 527/54 land measuring 1 Kanal 3 Marlas, 496/12 land measuring 9 $\frac{1}{2}$ Marlas,

733/259 land measuring 01 Kanal situated at Panzmullah Anantnag and the plaintiffs seek possession of the above stated landed estate in the above said survey numbers in the same nature as it was illegally occupied or in the present nature or existing position or vacant possession of the same landed estate be delivered to the plaintiffs as they are the only persons entitled to said land and only ones entitled to hold and possess the same. A decree for possession of land viz-a-viz these survey numbers be passed.

- (iii) That the defendants may be commanded to handover the possession of the landed estate/s mentioned in survey numbers 17 land measuring 4 Kanals 12 Marlas, 17/1 land measuring 3 Kanals 8 Marlas, 526/54 land measuring 8 Marlas, 764/432/302 land measuring 1 Kanal, land measuring 495/12 land measuring 4 Kanals, 798/321 land measuring 1 Kanal 16 Marlas, 686/216 land measuring 2 Kanals 10 Marlas, 527/54 land measuring 1 Kanal 3 Marlas, 496/12 land measuring 9½ Marlas, 733/259 land measuring 01 Kanal Panzmullah Anantnag situated at Panzmullah Anantnag.
- (iv) That the defendants may be restrained from causing any third party interest or changing the nature of the suit land / landed estate/s mentioned in survey numbers 17 land measuring 4 Kanals 12 Marlas, 17/1 land

measuring 3 Kanals 8 Marlas, 526/54 land measuring 8 Marlas, 764/432/302 land measuring 1 Kanal, land measuring 495/12 land measuring 4 Kanals, 798/321 land measuring 1 Kanal 16 Marlas, 686/216 land measuring 2 Kanals 10 Marlas, 527/54 land measuring 1 Kanal 3 Marlas, 496/12 land measuring 9 $\frac{1}{2}$ Marlas, 733/259 land measuring 01 Kanal situated at Panzmullah Anantnag.

(v) That the defendants may be restrained from causing any sort of interference with the suit land under survey numbers 526/54 land measuring 4 Kanals 4 $\frac{1}{2}$ Marlas, 531/434/60 land measuring 1 Kanal 5 Marlas, 536/61 land measuring 11 Marlas, 525/54 land measuring 1 Kanal 2 Marlas, 828/270 land measuring 4 Kanals, 763/432/302 land measuring 1 Kanal, 685/216 land measuring 3 Kanals 18 Marlas, 496/12 land measuring 9 $\frac{1}{2}$ Marlas, 523/54 land measuring 1 Kanal, 536/61 land measuring 11 Marlas, 732/259 land measuring 3 Kanals and 733/259 land measuring 15 Kanals 05 Marlas situated at Panzmullah, Anantnag.

(vi) That any other order or direction or relief may also be granted in favour of the plaintiffs and against the defendants based on merit of the case. Such relief which is even not sought but plaintiffs found entitled to it on the basis of facts and circumstances

may also be granted to them in the interest of justice.

5. The Court of the learned Munsiff, Anantnag, by virtue of an ex parte order dated **11.07.2020**, passed an order for maintenance of status report by both parties to the suit with respect to the suit land covered under survey (Khasra) number:-

- 17 measuring 4 Kanals 12 Marlas,
- 17/1 land measuring 3 kanals 8 Marlas,
- 526/54 land measuring 8 Marlas,
- 764/432/302 land measuring 1 kanal,
- 495/12 land measuring 4 Kanals,
- 798/321 land measuring 1 Kanal 16 Marlas,
- 682/216 land measuring 2 Kanals 10 Marlas,
- 527/54 land measuring 1 Kanal 3 Marlas,
- 496/12 measuring 9 ½ Marlas,
- 733/259 land measuring 01 Kanal,
- 526/54 land measuring 4 Kanals ½ Marlas,
- 531/434/60 land measuring 1 Kanal 5 Marlas,
- 536/61 land measuring 11 Marlas,
- 525/54 land measuring 1 Kanal 2 Marlas,
- 828/270 land measuring 4 Kanals,
- 763/432/302 land measuring 1 Kanal,

- 685/216 land measuring 3 Kanals 18 Marlas,
- 496/12 land measuring 9 ½ Marlas,
- 523/54 land measuring 1 Kanal,
- 536/61 land measuring 11 Marlas
- 732/259 land measuring 3 Kanals and
- 733/259 land measuring 15 Kanals 05 Marlas 4½ Marlas,
- 531/434/60 land measuring 1 Kanal 5 Marlas,
- 536/61 land measuring 11 Marlas,
- 525/54 land measuring 1 Kanal 2 Marlas
- 828/270 land measuring 4 Kanals,
- 763/432/302 land measuring 1 Kanal,
- 685/216 land measuring 3 Kanals 18 Marlas,
- 496/12 land measuring 9 ½ Marlas,
- 523/54 land measuring 1 Kanal,
- 536/61 land measuring 11 Marlas
- 732/259 land measuring 3 Kanals and
- 733/259 land measuring 15 Kanals 05 Marlas.

6. The aforesaid suit land is situated in Pazmullah, Anantnag.

7. Upon their service, the defendants No. 1- Ghulam Qadir Mantoo, No.2-Ali Mantoo, No.4-Mst. Raja, No.5-Bashir Ahmad Mantoo, No. 6-Abdul Rashid Mantoo and defendant No. 7-Gulzar Ahmad Mantoo, came up with an application filed on **05.10.2020** on

File No. 3/VM thereby invoking Order 39 Rule 2-A of the Code of Civil Procedure 1908, thereby seeking status quo ante.

8. In addition, the above named defendants also invoked section 151 read with section 94 of the Code of Civil Procedure, 1908 for the alleged act of breach of the status quo direction on the part of the respondents No. 1 to 5 as plaintiffs.

9. In their said two applications, the above said set of defendants came to be allege that on intervening night of 14/15 July, 2020, the status quo direction with respect to the land comprised in Khasra No. 732/259 (3 Kanals) and Survey No. 733/259 (6.12 Kanals) came to be breached on the part of the respondents No. 1 to 5, along with their family members all of whom came to be named in the said two applications, by cutting down and removing some 200 odd apple trees and, thereafter, coming up with the tin shed construction at the site of the aforesaid two khasra numbers.

10. Said two applications of said set of defendants, who are now petitioners before this Court, are stated to be long pending disposal before the Court of the learned Munsiff, Anantnag while the evidence in the

respective two applications have been led for enabling the Court to take a call.

11. The petitioners have therefore come forward with the present petition under Article 227 of the Constitution of India invoking the supervisory jurisdiction of this Court for an appropriate direction unto the trial Court of the learned Munsiff, Anantnag to dispose of the pending two applications of the petitioners.

12. This Court has been apprised by learned counsel for the petitioners that even the temporary injunction application filed by respondents No. 1 to 5 has till date not been disposed of and it is only by virtue of an ex-parte ad-interim status quo direction that the proceedings with respect to the temporary injunction adjudication are going on.

13. This petition is disposed of at its very inception stage by directing the Court of the learned Munsiff, Anantnag to dispose of all the three applications i.e., Order 39 and Rule 1 and 2 application preferred by the respondents No. 1 and 2 along with the two applications of the petitioners by or before

31.03.2026.

14. Failure to do the needful by the learned Presiding Officer of Munsiff Court, Anantnag shall be accounted for before the Hon'ble Administrative Judge of the Court.

15. Extension of time, if any in doing the needful adjudication as directed, to be availed by laying a motion before this Court citing the reasons for default in not disposing of the matter as directed by this Court in the time schedule set in.

16. Copy of this order be forwarded by the Registrar Judicial, Srinagar to the Court of learned Munsiff, Anantnag for notice and compliance.

17. **Disposed of.**

(RAHUL BHARTI)
JUDGE

SRINAGAR:

23.02.2026

"Mir Arif"