

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 380/2026 CM(987/2026)

ASSAD ULLAH DAR

...Petitioner(s)/appellant(s)

Through: MS HUMAIRA SAJAD, ADVOCATE

Vs.

UT of JK and Ors

...Respondent(s)

Through: MR. ILYAZ NAZIR LAWAY, GOVERNMENT ADVOCATE

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER
10.03.2026

01. Heard learned counsel for the parties.
02. It is submitted by learned counsel for the respondents/UT in pursuance of the previous order regarding seeking of instructions in the matter, that appropriate orders in accordance with the law may be passed in the case.
03. The grievance of the petitioner in nutshell is that he is absolute owner of a piece of immovable property comprising of land measuring 01 Kanals 10 Marlas falling under Survey No. 778 of village Sholipora Tehsil Budgam, District Budgam, Jammu and Kashmir and has been in uninterrupted possession and enjoyment of the same since the year 2010 without any hindrance or objection from any side. That he has acquired the subject property vide a validly registered Exchange Deed dated 02.01.2010 executed between him and the erstwhile owners thereof namely Abdul Khalik, Gh. Nabi and Gh. Rasool sons of

Sullah Ganie residents of Sholipora Budgam. That pursuant to the registration of the Exchange Deed, the revenue authorities attested mutation No. 1875 in favour of both the parties in respect of subject matter of the exchange deed. That despite the attestation of the mutation by the concerned revenue officer on the basis of a registered Exchange Deed, the necessary entries were not made by the revenue officers in the concerned Registers especially Girdawari which they were under obligation to do. That contrary to the given facts and without making any inquiry with respect to the ownership of the subject property, the respondent no. 4 i.e., District Magistrate, Budgam, vide impugned Notification no. DMB/134 of 2022 dated 29.11.2022, also notified the subject land as belonging to/under possession of banned association Jamat-e-Islami at his back, purportedly, under Section 8 of the Unlawful Activities (Prevention) Act, 1967 ULA(P) Act. That pursuant to the said notification, the respondent no. 4, vide impugned Order No. DMB/PS/22/1695-99 dated 21.12.2022, ordered sealing of the subject property under the wrongful impression that the same belongs to Jamat-e-Islami. That respondent no. 7, immediately sealed the subject property thereby depriving him from his lawfully owned property. That upon learning about the matter, him promptly approached the respondent no. 4 on 28th December, 2022 seeking issuance of copies of the aforementioned orders regarding

notification of his land by the District Magistrate , but till date same were not provided to him. That he again approached the respondents on 6th July, 2023 seeking de-notification of his land while giving the whole set of facts before them. That thereafter the respondent no. 4 sought report from respondent no. 6 in respect of the matter which supported his contention. That despite his ownership standing duly reflected and substantiated in the official revenue records and as also backed by the reports of the competent authorities, the subject property has not been de-sealed. That the impugned Orders dated 29.11.2022 and 21.12.2022 passed by the respondent no. 4 are *ex-facie* without any jurisdiction and are liable to be quashed.

04. The petitioner has accordingly sought the issuance of Writs of Certiorari and Mandamus for quashing/setting-side of the impugned orders dated 29.11.2022 and 21.12.2022 passed by the respondent no. 4 with further direction to the respondents to forthwith de-notify/release the subject property from attachment and permit him to use and enjoy the same without any hindrance or interference.

05. The petitioner has also sought the issuance of Writ of Mandamus for commanding the respondents to pay him a compensation of Rs. 5,00,000/- on account of his financial losses, mental pain and agony caused by the aforesaid impugned orders and inaction of respondents.

06. Learned counsel for the respondents/UT has submitted a written instructions report communicated to him by the office of the District Magistrate, Budgam in respect of the subject matter for the appraisal of the Court.
07. It is revealed from the perusal of the aforesaid report that the subject property was inadvertently attached/sealed on the basis of the report of the field agency concerned, as the fact of the ownership of the present petitioner viz-a-viz the subject land in pursuance of the duly registered Exchange Deed followed by attestation of mutation was not incorporated in the revenue records especially the Register of Girdawari.
08. Perused the memo of instant petition and the copies of the documents enclosed with the same as Annexures.
09. The fact of the present petitioner being the owner of the subject property measuring 01 Kanal 10 Marlas falling under Survey No. 778 of village Sholipora Tehsil and District Budgam on the basis of registered Exchange Deed followed by mutation attested under No. 1875 is borne out from the perusal of the copies of the documents enclosed with the petition.
10. In the given facts and circumstances of the case, this Court is of the opinion that the matter needs to be disposed of at this threshold stage on the basis of its apparent and established merits.
11. Accordingly, the instant petition is allowed and the impugned Orders bearing Nos' DMB/PS/22/1695-99

dated 21.12.2022 and DMB/134 of 2022 dated 29.11.2022 passed by the respondent no. 4 i.e., District Magistrate, Budgam, are quashed/set-aside to the extent of subject land i.e., land measuring 01 Kanal 10 Marlas falling under Survey No. 778 of village Sholipora Tehsil and District Budgam. The respondents are further directed to immediately de-seal/de-attach the subject land.

12. Disposed of in the aforesaid terms along with connected CM(s).

SRINAGAR
10.03.2026
"Shamim Dar"

