

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

**WP(C) 672/2026 CM 1709/2026
Caveat 568/2026**

Mohammad Rafiq Mir

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

Through: -

Mr. M. Amin Bhat, Advocate.

V/s

Union Territory of J&K and Ors.

... Respondent(s)

Through:-

Mr. Furqan Yaqoob, Government Advocate.

Mr. S. A. Makroo, Sr. Advocate with

Ms. Nida Nazir, Advocate.

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)

08.04.2026

01. The petitioner, claiming to be the owner of some land falling under Khasra No. 640 of Village Taki Sultan, Drangbal, District Baramulla has alleged that the private respondents, in league with the official respondents, have been resorting to mining at Turan Nagraat Taki Sultan district Baramulla, illegally, causing damage to the land of the petitioner and the orchard developed thereon and that despite his representation to the local District Magistrate, no action has been taken.

02. The petitioner in the aforestated background has sought following reliefs:

- i. *A Writ of Mandamus or any other appropriate writ, order or direction directing the official respondents to immediately stop and restrain the private respondents*

from carrying out illegal mining activities at Turan, Nagraat, Taki Sultan, Baramulla.

- ii. Direct the official respondents to strictly enforce the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, particularly Sections 21(4) and 21(5), by:*
- iii. Seizing the machinery, vehicles, and equipment used in illegal mining;*
- iv. Initiating penal action against the private respondents*
- v. Direct the respondents to conduct a detailed inquiry/investigation into the illegal mining activities and fix responsibility on the erring officials who have failed to discharge their statutory duties.*

03. Heard.

04. Notice.

05. Notice waived by Mr. Furqan Yaqoob, learned Government Advocate on behalf of Respondent Nos. 1 to 9 and Ms. Nida Nazir, learned Advocate on behalf of Respondent Nos. 10 to 16.

06. Mr. S. A. Makroo, the learned Senior Counsel appearing for the private respondents submits that in fact there is a dispute between the petitioner and the private respondents with regard to the landed estate and that the petitioner has filed this petition just to harass the private respondents to settle his personal scores.

07. Be that as it may. Since the petitioner has alleged in this petition that the official respondents have not acted upon the alleged illegal mining being conducted by the private respondents near the land of the petitioner, causing damage not only to his land but the orchard developed

thereon, it will be in the fitness of things to dispose of this petition at this stage, with the directions; (a) to the petitioner to approach the District Mineral Officer, Baramulla for redressal of his grievance and (b) the Respondent-District Mineral Officer, Geology and Mining, Baramulla on receipt of complaint shall take cognizance of the matter expeditiously, preferably within a period of two weeks and proceed in the matter in accordance with law to decide the complaint and in case the private respondents herein are found to have committed some illegal activities, they may be prosecuted in accordance with law.

08. With the aforetasted directions, the petition is **disposed** of, along with the connected application(s).

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
April 8th, 2026
"Shoaib Javid"