

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 811/2026
CM(2086/2026)

Raja Begum.

...Petitioner(s)

Through: Mr. Ishtiyag Ahmad Mir, Advocate.

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Mr. Haris, Assisting Counsel vice
Mr. Mohsin S. Qadri, Sr. AAG.

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

ORDER

18.04.2026

01. The learned counsel for the petitioner has drawn the attention of this Court to a suit preferred by the respondent No. 4- Fayaz Ahmad Wani before the Court of Learned Sub Judge Bandipora, titled "*Fayaz Ahmad Wani vs Mst. Raja Begum and Another*", in which the Court below has been pleased to pass an order of status quo on 24th March, 2023, which order continues to be operative as on date.

02. It has been further argued by the learned counsel for the petitioner that filing of the suit or for that matter, maintaining status quo with respect to the suit property falling under survey Nos. 1999 (measuring 1 kanal 12 marlas), 2240 (01 Kana), 2829, (measuring 1 kanal 14 marlas) and survey No. 2831 (measuring 1 kanal 8 marlas), situated at Kaloosa, Bandipora, does not come in the way of the Assistant Commissioner (Revenue) to decide the application which has been preferred by the petitioner, or the order already passed by the Assistant Commissioner (Revenue) initially on 14th November 2024, by virtue of which he has constituted a team of revenue officials under the supervision of

Tehsildar, Bandipora to demarcate the land of the applicant situated in estate Kaloosa, Nathpora, and to deliver the legitimate share of the applicant as per records available. Since the aforesaid order was not implemented by the Assistant Commissioner (Revenue), the petitioner was constrained to approach the Civil Court to seek clarification of the order of status quo dated 24th March, 2023 and the court of learned Civil Judge (Senior Division), Bandipora vide order dated 24th April, 2025, has clarified that the order of status quo granted by the said court dated 24th March 2023 in the aforesaid suit shall mean that the same will be binding on the parties and not on the revenue authorities and, as such, the status quo order shall not come in the way of the proceedings, if any, initiated by the revenue agencies under law.

03. In the light of the clarification issued by the Civil Court in terms of order dated 24th April 2025, the petitioner filed yet another application before the respondent No. 2 seeking implementation of order dated 23rd July, 2025 by virtue of which a direction was issued to the concerned Tehsildar to demarcate the land in question and take necessary steps for partition of the said land in terms of Section 105 of the J&K Land Revenue Act, 1996 amongst the parties, subject to the outcome of any court case, pending before the court of law.

04. Mr. Ishtiyaq Ahmad Mir, the learned counsel submitted that pursuant to the clarification issued by the civil court mentioned *Supra*, he has filed an application for seeking implementation of order dated 23rd July, 2025 before the respondent No. 2-Assistant Commissioner (Revenue), which application, though filed on 30th July 2025, has not been accorded due consideration till date, perhaps, for the reason that the matter is pending before the civil court.

05. After arguing for a while, the learned counsel for the petitioner submitted that he would feel satisfied if the instant petition is disposed of at this stage with a direction to the

respondent No. 2-Assistant Commissioner, Revenue, Bandipora to decide the application preferred by the petitioner way back on 30th July, 2025 within some time bound manner, which is pending adjudication before him for the last more than ten months.

06. On the asking of the Court, Mr. Haris, learned Assisting Counsel appearing vice Mr. Mohsin S. Qadri, learned Senior Additional Advocate General enters appearance on behalf of official respondents and is not averse to the disposal of the instant writ petition at this stage or else to the submission made by the counsel for the petitioner. However, he submits that the application of the petitioner would be considered in accordance with the rules and as per law occupying the field.

07. Heard the learned counsel for the parties at length and perused the material on record.

08. With the consent of the learned counsel for the parties, the present petition is taken up for final disposal at its very threshold as an innocuous prayer has been made by the learned counsel for the petitioner and the same is accordingly disposed of with a direction to the respondent No. 2-Assistant Commissioner (Revenue), Bandipora to accord due consideration to the application filed by the petitioner way back on 30th July, 2025 seeking implementation of order dated 23rd July, 2025 within a period of three weeks, from the date of receipt of copy of this order along with copy of writ petition and the annexures appended thereto, strictly in conformity with the rules and as per law.

09. It is made clear that while according due consideration to the application of the petitioner, the respondent number 2 shall give due consideration/weightage to the order of clarification passed by the learned civil court on 24th April, 2025 in the suit so preferred by respondent No. 4.

10. Before parting, this Court reiterates that the revenue courts take precedence over the civil courts and matters where an

issue is already seized of by a competent civil court, revenue authorities are precluded from entering into questions that are directly and substantially in issue before the civil court. It is further clarified that merely filing an application before the Assistant Commissioner (Revenue), Bandipora seeking a direction for implementation of an order passed way back on 23rd July, 2025 and seeking clarification in terms of order dated 24th April, 2025 by the civil court, does not construe that the Assistant Commissioner (Revenue) is under an obligation to decide the issue which is the subject matter of the civil court, however, he is will within his right and jurisdiction to proceed and decide the said application in accordance with law, without touching or adjudicating the merits of controversy, which is/are subject matter of the civil court.

11. Writ petition *disposed of* along with connected CM(s) in the manner indicated above.

SRINAGAR:

18.04.2026

"HAMID"

(Wasim Sadiq Nargal)
Judge

