

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 815/2024 CM(2119/2024).

ABDUL RASHID KHAN.

...Petitioner(s)

Through: None.

VERSUS

UNION TERRITORY OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Hakim Aman Ali, Dy AG.
 Mr. Haaris Khan, Assisting Counsel vice
 Mr. Mohsin S Qadiri, Senior AAG.

CORAM:
 HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER
18.04.2026

01. Mr. Hakim Aman Ali, learned Deputy Advocate General appearing on behalf of the respondents submits that the reply which has initially been filed on behalf of respondent No. 5 has been adopted on behalf of respondents No. 1, 2 and 7 as well, vide order dated 09.02.2026. Today, when the instant matter was taken up, he further submits that the said reply be also treated on behalf of all the official respondents. His statement is taken on record. ***Ordered accordingly.***

02. At this stage, Mr. Hakim Aman Ali, learned Deputy Advocate General appearing on behalf of the respondents has drawn the attention of the Court to the prayer made in the instant petition and submits that the instant petition can be disposed

of at this stage in the light of the reply so filed on behalf of the respondents.

03. The prayer part of the petition for facility of reference is reproduced as under:

“(I) BY ISSUANCE OF WRIT OF MANDAMUS, *whereby the respondents be commanded to settle the claim of the petitioner in pursuance of the representations made from time to time and pass effective orders.*

(II) BY ISSUANCE OF WRIT OF PROHIBITION, *restraining the Private Respondents from taking law in their hands, and initiate action according to law*

(III) Any other writ, order or direction *whatever, the Hon'ble Court deems proper and just be also issued in favour of petitioner, same would be in consonance with justice.”*

04. The petitioner is seeking a direction to the respondents to settle the claim of the petitioner in pursuance of the representations made from time to time by passing effective orders along with a further writ in the nature of prohibition restraining the respondents from taking the law in their own hands and directing them to act strictly in accordance with law.

05. The only apprehension which has been projected by the petitioner in the instant petition is that the father of the petitioner was in possession of the property under Survey

Nos. 534, 535 and 536 and had devolved the same in favour of the petitioner. The petitioner has, on several occasions, approached the Revenue Authorities for issuance of the revenue extracts. It has also been submitted that the petitioner has been regularly paying the abiyana.

06. The further case of the petitioner is that the land comprising 17 Marlas has been illegally occupied by the private respondents who are not allowing the petitioner and his brothers to cultivate the same, which fact has been brought to the notice of the official respondents.

07. It has also been pleaded that the the petitioner has deposited the requisite fee for issuance of the revenue extracts, which is evident from a bare perusal of the communication dated 27.09.2021.

08. The petitioner thereafter approached the Divisional Commissioner, Kashmir and apprised him that the revenue extracts had not been provided with respect to Survey Nos. 534, 535 and 536. Consequently, the Divisional Commissioner, Kashmir directed the Deputy Commissioner, Baramulla to examine the contents of the communication submitted by the petitioner with a view to settle the issue.

09. Since the grievance of the petitioner was not redressed, the petitioner filed the instant petition contending that the official respondents were under an obligation to consider his claim by passing effective orders. As the representation of

the petitioner was not considered and no effective orders were passed, the petitioner has filed the instant petition.

10. Per contra, a reply has been filed on behalf of the respondents, wherein a specific preliminary objection has been raised that since the instant writ petition involves disputed questions of fact, the same is not maintainable and is liable to be dismissed at the threshold. It has also been pleaded that the petitioner has not approached this Court with clean hands and has suppressed material facts.

11. The respondents have further taken a specific stand that the demarcation has already been carried out and no encroachment upon the petitioner's land exists on the spot as verified and reported by the field staff.

12. It has been further submitted that no illegal entries have been made in the revenue records as alleged by the petitioner. The respondents have further stated in their reply affidavit that revenue extracts are issued online upon application and that the Government has already prescribed a timeline for providing such online services under the Public Services Guarantee Act, which is monitored through an auto-appeal mechanism. Thus, the allegation of the petitioner that he has been denied revenue extracts is not tenable and is liable to be rejected.

13. Heard learned counsel for the respondents at length and perused the record.

14. Since the only allegation levelled against the private respondents was that they had encroached upon the land of the petitioner and had not allowed him to carry out the construction activities on the said land, which led to the filing of representations before the appropriate revenue authorities and since no cognizance was allegedly taken, the instant petition came to be preferred.
15. However, to the contrary, the allegations of encroachment have not been substantiated, as no encroachment upon the petitioner's land has been found. Thus, the allegations levelled by the petitioner are far from the truth, being false and are vehemently denied.
16. Accordingly, the very foundation of the petitioner's case, as argued by Mr. Hakim Aman Ali, learned Deputy Advocate General falls flat and the writ petition, being utterly misconceived is liable to be dismissed.
17. I am in agreement with the submissions advanced by the learned counsel appearing on behalf of the respondents that pursuant to the demarcation, no encroachment has been found on the petitioner's land, which stands substantiated from the record produced by the respondents.
18. Thus in absence of any encroachment, the writ petition is liable to be dismissed as there is no infringement of any legal, fundamental or statutory right of the petitioner which could give cause to this Court to entertain the same.

19. This is the precise reason that there is no representation on behalf of the petitioner, as there is no alleged encroachment which could give cause to the petitioner to agitate the matter any further.

20. In the light of the above, the writ petition being devoid of any merit is accordingly **dismissed**.

21. Any interim direction(s), if subsisting as on date shall stand vacated.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
18.04.2026
Bisma Jan.

