

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

CPOWP 55/2018 in[OWP 1209/2015] CM(961/2020)

RAFIQ AHMAD AND OTHERS

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

Through: None

Vs.

MOHAMMAD YOUSUF AND ORS

...Respondent(s)

Through: None

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

21-08-2026

1. The petitioners filed writ petition bearing OWP No. 1209/2015, which came to be admitted on 25.08.2017. The said writ petition was thereafter disposed of by this Court in the following terms:

“....In the light of submissions made and with the consent of learned counsel for parties, the matter is taken up for final consideration and in the light of factual background given herein above, this petition is disposed of by directing respondent No.4 to take note of the report, Annexure-B, appended to the petition. If on enquiry it is found that the land, measuring 24 Kanals and 02 Marlas falling in Khasra No.107 situated at Jammo Anantnag, is under occupation of security forces. The assessment of rent and compensation shall be processed in terms of J&K Requisitioning and Acquisition of Immovable Property Act, 1968 and other respondents shall be accordingly intimated. The Respondent No.4 shall complete the process of verification as expeditiously as possible within a period of four weeks from the date certified copy of this order is made available to the respondent No.4. The

respondent No.4 on completion of enquiry within a further period of two weeks shall process and complete the case for working out compensation with respect to the land of petitioners which shall be immediately intimated to the other respondents. Respondent Nos.1 to 8 are also impressed upon to release the rent and compensation within a period of four weeks thereafter, with these observation writ petition is disposed of.

Registry to provide copy of this order to learned counsel for the parties....”

2. Statement of facts on behalf of respondent Nos. 1, 2 and 3 has been filed. It is stated therein that, out of the total Shamilat land measuring 302 Kanals and 12 Marlas of village Jammu, under the occupation of the security forces, land measuring 51 Kanals under Survey No. 107-MIN is recorded as proprietary land, but the same is not recorded in the name of the petitioners. It is further stated that, as per the record, no patch of land falling under Survey No. 107 is recorded under Section 5 (Jaiz Shamilat).
3. Therefore, as per the report of the Tehsildar, Pahalgam, the rent claimed by the petitioners in respect of the land falling under Survey No. 107, being purely Shamilat land under Section 4 (Najaiz Shamilat), cannot be paid in favour of the petitioners.
4. The respondents have considered the case of the petitioners and have passed a reasoned order. It, thus, appears that the grievance projected by the petitioners stands redressed. The petitioners, however, have not chosen to appear before this Court for the last several dates of hearing.

5. In view of the above, the contempt proceedings are closed. However, liberty is granted to the petitioners to seek revival of the petition, in case the cause of action still survives.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
21-08-2026
Shameem H.

