

S. No. 271

Suppl list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C)/863/2026

CM/2244/2026

Mohammad Ashoor Mir (51 Years)
S/O Assadullah Mir,
R/O Mouza Petipora, Tehsil Litter,
District Pulwama
Union Territory of Jammu & Kashmir.

Appellant(s)/Petitioner(s)

Through: Mr. Danish Majeed Dar, Advocate
Ms. Ahra Syed, Advocate.

Vs.

- 1. Union Territory of Jammu & Kashmir,**
Through its Commissioner/ Secretary,
Revenue Department, Civil Secretariat,
Srinagar/Jammu.
- 2. Deputy Commissioner, Pulwama,**
- 3. Assistant Commissioner (R) Pulwama,**
- 4. Tehsildar, Litter**
- 5. Abdul Rashid Mir,**
S/O Assadullah Mir,
R/O Lethpora, Tehsil Litter,
District Pulwama,
Union Territory of Jammu & Kashmir.

...Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER

22.04.2026

1. Petitioner, through the medium of this petition, seeks following reliefs:

- 1. Issue an appropriate writ, order or direction in the nature of mandamus commanding the official Respondents not to issue FARD, revenue extract or any similar revenue document in favour of the Private Respondent, namely Abdul Rashid Mir, in respect of land falling under Khasra Nos. 412 and 416 situated at Village Petipora, Tehsil Litter, District Pulwama, to the prejudice of the Petitioner and in derogation of his settled possession and rights.*
- 2. Issue an appropriate writ, order or direction commanding the Respondents to maintain status quo with regard to the revenue position and*

possession of the land falling under Khasra Nos. 412 and 416 situated at Village Petipora, Tehsil Litter, District Pulwama, and not to create any conflicting, overlapping or inconsistent revenue record, entry, extract or recognition in favour of the Private Respondent so as to prejudice the Petitioner's existing possession, enjoyment and lawful user of the said land.

- 3. Issue an appropriate writ, order or direction commanding the Respondents to act strictly in accordance with law and not to take any action which has the effect of unsettling or clouding the Petitioner's possession, occupation and enjoyment over the land in question, particularly when the Petitioner has already been granted permission for conversion of land for non-agricultural use and commercial building permission for construction of a C.A. Store thereupon, and the construction raised by the Petitioner has already been substantially completed.*
- 4. Issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to consider and decide, in accordance with law, the application/representation already submitted by the Petitioner before the Deputy Commissioner, Pulwama and forwarded to the Tehsildar, Litter, Pulwama, whereby the Petitioner has specifically requested that no FARD be issued in favour of the Private Respondent in relation to the subject land, and to pass a reasoned and speaking order thereupon within a time-bound period to be fixed by this Hon'ble Court.*
- 5. Pending consideration of the present writ petition, issue an ad interim direction restraining the Respondents from issuing any FARD, revenue extract or any similar document in favour of the Private Respondent in respect of land falling under Khasra Nos. 412 and 416 situated at Village Petipora, Tehsil Litter, District Pulwama, and further restraining them from altering the existing revenue and possession position so as to create any third-party or rival claim adverse to the Petitioner.*

6. Pass such other or further writ, order or direction as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case, in the interest of justice, equity and good conscience.

2. The learned counsel for the petitioner submits that the petitioner and private respondent, namely Abdul Rashid Mir, being brothers, are co-sharers of the land measuring 13 kanals 13 marlas comprising of khasra Nos. 412 and 416 situated at village Petipora, Tehsil Litter, District Pulwama, in which the petitioner, after accord of permission to convert land use, has raised construction of a Controlled Atmosphere Store, after obtaining the permission therefor and that the respondent who happens to be brother of the petitioner, has now applied for issuance of Fard of the land for some further purposes, and, in case the Fard is granted in his favour, it would be prejudice to the interests of the petitioner, who has raised construction over the land in his possession and has a share therein.
3. In view of the facts and circumstances of the case and the limited controversy involved between the parties, the petition is admitted to final hearing at this stage, and is disposed of with the direction to the official respondents to give a right of hearing to the petitioner before consideration or issuance of Fard in favour of the respondent No. 5, of course, in accordance with law.
4. The petition is **disposed of**, at the motion stage, along with connected application(s).

**(MA CHOWDHARY)
JUDGE**

SRINAGAR
22.04.2026
"Hilal"