

Serial No. 30
Supplementary List

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

**CM No. 3127/2026 in
LPA No. 100/2026
CM No. 3128/2026
Caveat No. 883/2026**

Mohammad Dar

.....Appellant(s)

Through:
Mr. Saqib Amin Parray, Advocate

Versus

UT of J&K and Ors.

.....Respondent(s)

Through:
Mr. G. A. Lone, Sr. Advocate with Mr. Mujeeb Andrabi, Advocate

CORAM:

**HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE
HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE**

ORDER
06.06.2026

CM No. 3127/2026

01. For the reasons stated in the application, the same is allowed and leave to file the appeal is granted.
02. CM disposed of.

LPA No. 100/2026

01. The appellant admittedly is not a party to writ petition bearing WP(C) No. 793/2026, preferred by private respondent No. 7, though the appellant had filed caveat bearing caveat No. 710/2026. When the writ petition was preferred by the private respondent No.

7 against the other respondents, the learned writ Court while discharging the caveat filed by the appellant granted him liberty to seek his impleadment as party respondent in the main petition and thereafter proceeded to pass the interim order, directing the maintenance of status quo with regard to the possession of subject land as on that day subject to objections from the other side and till next date of hearing. Incidentally the next date of hearing was fixed for today only before the learned writ Court.

02. Learned counsel for the appellant has very clearly conceded that despite liberty granted by the learned writ Court, the appellant has not filed any application for impleading him as party respondent in the main writ petition. He further submits that the writ petition preferred by the private respondent No. 7 is not maintainable on the grounds that earlier the rights of the appellant and the private respondent No. 7, stand already settled by the different Courts, including the Division Bench of this Court. Precisely, it is urged by learned counsel for the appellant that the private respondent No. 7 has virtually abused the process of law by filing the writ petition.
03. With the appearance of Mr. Mujeeb Andrabi, learned counsel for the caveator, caveat stands discharged.
04. Mr. G. A. Lone, learned senior counsel submits that the case projected by the private respondent in the writ petition is not the same that stands already adjudicated as alleged by the learned counsel for the appellant, rather the writ petition was filed on the

basis of fresh cause of action that accrued in favour of the private respondent No. 7.

05. We are not going into the merits of the case, as the appellant has not yet been arrayed as respondent in the main writ petition and despite the fact that the appellant was granted liberty to lay a motion for impleadment, no such application has been filed. Rather the appellant has chosen to assail the order dated 20.04.2026 through the present intra Court appeal with further prayer for dismissal of the writ petition.
06. We are of the considered view that in light of the Judgment of the Supreme Court rendered in *Shyam Sel and Power Limited and Anr. Vs. Shyam Steel Industries Limited*, the prayer made by the appellant cannot be acceded to particularly when the writ Court is already seized of the matter and the appellant is well within his rights to raise the issue of maintainability of the writ petition before the learned writ Court.
07. Mr. G. A. Lone, learned senior counsel has expressed no objection to the impleadment of the appellant as respondent in the main writ petition. Accordingly, appellant is arrayed as respondent No.7 in writ petition bearing WP(C) No. 793/2026. Registry shall update the index accordingly.
08. Mr. Saqib Amin Parray, learned counsel for the appellant submits that the appellant would complete the pleadings within two weeks. He further submits that the learned writ Court be requested to adjudicate the issue with regard to the maintainability of the writ

petition at first instance. He would further submit that the order impugned be modified to the extent that the respondent No. 7 shall not make any endeavour for including his name in the revenue records. The appellant can make both these submissions before the learned writ Court.

09. Disposed of along all connected CM(s).

(SANJAY PARIHAR)
JUDGE

(RAJNESH OSWAL)
JUDGE

Srinagar
06.06.2026
"Mohammad Yasin Dar"

