

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

OWP No.915/2017

MOHAMMAD AFZAL MIR

... Petitioner

Through: Mr. Hakeem Aman Ali, Dy. AG

VERSUS

STATE OF JAMMU AND KASHMIR

...Respondent(s)

Through: Mr. N. A. Tabsum, Advocate.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
04.08.2026

1. The very institution of this writ petition by the petitioner on **05.07.2017** was not free of *malafide* in the manner that by reference to a purported representation dated **02.03.2013** addressed to the Deputy Commissioner, District Baramulla, the petitioner came forward seeking a direction unto the writ respondents to act in terms of SRO **No.517** of **13.12.2013** passed by the Government of Jammu and Kashmir thereby delegating in favour of Financial Commissioner (Revenue) J&K, power to act under section 27 of Jammu and Kashmir Land Revenue Act, Svt. 1996.

2. The case of the petitioner setup in the writ petition is that he is a owner of 5 kanals orchard in village Mouza Tujjar Sharief at the tail end of which is a 'Khul' (Water Channel) with a given width but in fresh Settlement (Bandobast) carried out in the year 2011, the width of the said 'Khul' (Water Channel) has been shown increased to 11 feet which is allegedly at the expense of the petitioner's adjacent 5 kanals of orchard land.

3. At the time of filing of the writ petition, the petitioner was well aware of the fact that pursuant to SRO **No.517 of 2013**, the Financial Commissioner (Revenue) Jammu and Kashmir, in terms of his order **No. FC-Estt/159 of 2014** dated **18.07.2014**, had constituted a three member revenue officials committee for every district in the then State of Jammu and Kashmir to scrutinize the application and representation and conduct on spot enquiry in every case of objection raised by the land owners *viz-a-viz* the settlement operation carried out by reference to estate concerned.

4. Thus, instead of coming to this Court, the petitioner ought to have led himself with a representation to any of

the three members of the said committee constituted for District Baramulla.

5. Be that as it may, during the pendency of this writ petition, acting in response to a representation made by Inhabitants of village Tujjar Sharief in which is included the petitioner as being Inhabitant of village Tujjar Sharief, the Revenue Department, Government of Jammu and Kashmir has come forward with a Government Order **No.69-JK (Rev)/2023** dated **18.05.2023**, whereby sanction came to be accorded to the cancellation of Record of Rights of **2011-2012** and to conduct of a fresh settlement in respect of village of Tujjar Sharief, Tehsil Bomai Zaingeer.

6. In view of this, the very fact that the Settlement of year **2011/2012** has been set aside by none else then the Government itself, as such the cause of action for the petitioner to feel aggrieved by the reference to width of 'Khul' (water channel) in the Settlement Record of 2011 also fades away leaving it free to the petitioner to approach the concerned Settlement Officer seized of the settlement operation to represent his case and seek redressal of his grievance if any related to his complaint

as to the usurpation of his land in the increased width of the 'Khul' (water channel).

7. Disposed of accordingly.

(RAHUL BHARTI)
JUDGE

SRINAGAR
04.08.2026
"Opinder"

