

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

**WP (C) No. 1252/2026  
CM No. 3315/2026**

**Mohammad Sultan Bhat**

**... Petitioner(s)**

**Through: -**

Mr Rizwan-ul-Zaman Bhat, Advocate.

**V/s**

**Union Territory of J&K and Ors.**

**... Respondent(s)**

**CORAM:**

**HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.**

**(ORDER)**

02.06.2026

01. Through the medium of this Writ Petition, filed under Article 226 of the Constitution of India, the Petitioner seeks quashing and setting aside of Order dated 30<sup>th</sup> of August, 2025 passed by the learned Additional Deputy Commissioner (Commissioner, Agrarian Reforms), Anantnag, in a case titled '**Mst. Mahtaba v. Mohammad Sultan Bhat**', whereby the application moved by the Respondent No.4 herein, seeking restoration of appeal dismissed in default on 11<sup>th</sup> of January, 2021, was allowed, allegedly without considering the Objections of the Petitioner herein.

02. The learned Counsel appearing for the Petitioner submits that, vide impugned Order, the learned Additional Deputy Commissioner, Anantnag allowed the restoration application subject to payment of costs of Rs. 500/- to be deposited against proper receipt in favour of the Red Cross, allegedly without considering the fact that there was inordinate delay of more than two years in filing the restoration application. He further submits that the Order impugned is, thus, liable to be set aside with a direction to the

concerned authority to consider the matter afresh and decide the same after hearing both the parties.

03. Heard learned Counsel for the Petitioner and perused the record.

04. On perusal of the impugned Order, it transpires that the learned Additional Deputy Commissioner, while deciding the application moved by the Applicant/ Respondent No.4 herein, vide the impugned Order, has made reference to the grounds urged therein and referred to the intervening COVID-19 Pandemic period, besides taking into consideration the fact that the Applicant/ Respondent No.4 herein was an illiterate women, aged more than 70 years, who claimed that she was unable to effectively communicate with her Counsel during the COVID-19 Pandemic period and that she was also suffering from ill health and ailment associated from old age which prevented her from attending the Court and pursuing the matter diligently.

05. The application moved by the Respondent No.4 herein has been allowed by the Additional Deputy Commissioner, primarily, on the ground that the absence of the Applicant/ Respondent No.4 herein cannot be termed deliberate and intentional, but was due to circumstances beyond her control and that she had promptly approached the Court for seeking restoration, immediately after learning about the dismissal of the case.

06. The Respondent No.4 herein had filed an appeal against the orders passed on Mutation No. 1314 dated 20<sup>th</sup> of May, 1985 and Mutation No. 1570 dated 11<sup>th</sup> of November, 1994 attested under Sections 4 and 12 of the Agrarian Reforms Act with respect to land measuring 04 Kanals and 07 Marlas falling under Survey Nos. 234, 235 and 236 situate at Hillar, Arhama, Tehsil Kokernag, which came to be dismissed in default on 11<sup>th</sup> of January, 2021.

07. After going through the Order impugned and upon hearing the submissions of the learned Counsel for the Petitioner, this Court is of the considered opinion that no illegality or perversity is found in the impugned

Order, which has been passed perfectly in consonance with law as the matters are not required to be dealt with on technical grounds only, but are to be decided keeping in view the merits of the particular case as well as the larger interests of justice.

08. In the instant case, the Respondent No.4 herein, as Applicant before the Additional Deputy Commissioner, was an old woman of more than 70 years and had pleaded that due to Covid-19 Pandemic coupled with her ailing health, she could not keep the track of her appeal which was dismissed in default. In such a situation, the delay of about two years in filing the restoration application, in the considered opinion of this Court, cannot be said to be an inordinate delay which could not have been condoned. Therefore, the present Petition filed by the Petitioner is found to be without any merit or substance and the same is, thus, liable to be rejected at the threshold.

09. Viewed thus, the instant Writ Petition is **dismissed** in *limine*, along with the connected CM.

**(M. A. CHOWDHARY)**  
**JUDGE**

**SRINAGAR**

June 2<sup>nd</sup>, 2026

"TAHIR"