

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

WP(C) No. 1473/2026

Mohammad Syed Check and Ors.

..... Appellant/petitioner(s)

Through: -

Mr. M. M. Khan, Advocate

V/S

UT of J&K and Ors.

..... Respondent(s)

Through: -

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)

03.07.2026

01. The petitioners are permanent residents of Village Badian, Tehsil Boniyar, District Baramulla, and have landed property therein. The petitioners, along with other residents of the village, have been using a pathway passing through Shamilat Deh and Abadi Deh land comprised under Khasra Nos. 67, 70, 71 and 72 since times immemorial for ingress and egress of their residential houses, agricultural fields, and for grazing their cattle. The said pathway also provides access to the village mosque falling under Khasra No. 71 and has been continuously used by the villagers without any interruption.
02. That respondent No. 4, in connivance with certain other respondents, has unlawfully obstructed the aforesaid pathway, thereby preventing the petitioners and other villagers from exercising their customary right of ingress and egress over the common land.
03. Aggrieved by the illegal obstruction, the villagers, through petitioner No. 1, submitted a representation/application dated 11.07.2025 before

respondent No. 3 seeking appropriate action under the provisions of the Jammu and Kashmir Land Revenue Act. Pursuant thereto, respondent No. 3 directed the Naib Tehsildar to conduct a spot inspection and submit a factual report. In compliance, the concerned Patwari Halqa conducted the spot verification and submitted his report dated 15.07.2025, categorically recording that the pathway passing through Khasra Nos. 70, 71, 72 and 73 has been in continuous use by the villagers. The report further records that the pathway had been developed/reconstructed by the Rural Development Department and specifically notes that respondent No. 4 had illegally obstructed the said pathway.

04. Learned counsel for the petitioners submits that despite issuance of notice and submission of the report by the concerned revenue authorities, respondent No. 3 has failed to take any action on the petitioners' application dated 11.07.2025. It is further submitted that the petitioners would feel satisfied if the present writ petition is disposed of with a direction to respondent No. 3 to consider and decide the aforesaid application in accordance with law, after taking into consideration the reports submitted by the Naib Tehsildar and the concerned Patwari, within a time-bound period.
05. In view of the above submissions and without expressing any opinion on the merits of the case, the present writ petition is disposed of with a direction to respondent No. 3 to consider and decide the petitioners' representation/application dated 11.07.2025 by passing a reasoned and speaking order, strictly in accordance with the provisions of law governing the field, after affording an opportunity of hearing to all

concerned parties, if required, within a period of one month from the date a copy of this order is made available to the said authority.

05. The writ petition, along with all connected CM(s), stands disposed of in the above terms.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
03.07.2026
“Mohammad Yasin Dar”

