

Serial No. 4
Regular List

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

WP(C) No. 1811/2023

Koushalya Devi Alias Veena Ji Koul

..... Appellant/petitioner(s)

Through: -
Mr. Mir Manzoor, Advocate

V/S

UT of J&K and Ors.

..... Respondent(s)

Through: -
Mr. Allaudin Ganai, AAG

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)

26.02.2026

01. By this petition, petitioner is seeking direction upon respondent No. 4,, Tehsildar, Shopian to demarcate the land owned by the Koushalya Devi alias Veeni Ji IKoul, Durga Ji Bhat and Chuni Devi alias Pyari Thussoo daughters of Late Ganesh Dass measuring 03 Kanals and 09 Marlas, falling under Khasra No. 478 and 479, situated at Chowdrigund Tehsil & District Shopian with further direction to issue revenue extracts of the plot of land (supra).
02. Learned counsel for the petitioner states that the petitioner has filed an application before the respondent No. 2 on 06.06.2022, seeking permission for alienation of property in her favour under the J&K Migrant Immoveable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997.

03. Compliance report stands filed by the respondents, wherein it is stated that after demarcation, it has been found that the land measuring 01 Kanal and 15 Marlas falling under Survey No. 479 is under the possession of Mohammad Ramzan S/o Ghulam Qadir Wagay R/o Choudhrigund, Shopian and land measuring 04 Kanals 02 Marlas falling under Survey No. 478 is under the possession of Mst. Zamrooda W/o Ghulam Hassan Wagay R/o Choudhrigund and Mohammad Ashraf S/o Ghulam Hassan Zargar R/o Batapora, Shopian.
04. After going through the material on record, it has been found that the application filed before the respondent No. 2- Divisional Commissioner, Kashmir, by the petitioner has not been considered by him, whereby, the petitioner herein had requested for issuance of permission for alienation of property in her favour under the J&K Migrant Immoveable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997.
05. Learned counsel for the petitioner states that petitioner would feel satisfied if the writ petition is disposed of with a direction to the respondent No. 2-Divisional Commissioner, Kashmir to consider and take final decision on the application of the petitioner dated 06.06.2022, for issuance of permission for alienation of property in her favour under the J&K Migrant Immoveable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 after affording an adequate opportunity of hearing to the parties. Learned counsel for the respondent is not averse to the proposition

made by learned counsel for the petitioner. His statement is taken on record.

06. In view of above, the instant writ petition is disposed of at this stage without expressing any opinion on the merits of this case, thereby directing respondent No.2-Divisional Commissioner, Kashmir to consider and decide the application dated 06.06.2022, of the petitioner seeking permission to alienate the property in her favour, within a period of two months from the date of passing of this order, strictly in terms of provisions of J&K Migrant Immoveable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997, and after affording an adequate opportunity of hearing to both the sides.

07. Disposed of along with all connected CM(s).

SRINAGAR
26.02.2026
"Mohammad Yaseen Dar"



(MOKSHA KHAJURIA KAZMI)
JUDGE