

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

OWP No.1866/2013
CM No.3918/2022
I/A/1/2013
c/w
CCP(S) No.123/2021

ABDUL JABBAR LONE

...Petitioner

Through: Mr. Bakth Parvaiz, Advocate.

VERSUS

STATE OF J&K AND OTHERS

...Respondent(s)

Through: None.

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

ORDER
04.08.2026

1. The petitioner had come forward with this writ petition filed on **17.12.2013** by introducing himself as a migrant putting up in Jammu since 1990 onwards on account of being a political worker forced to leave Kashmir valley in order to save his family and self.
2. The petitioner has pleaded that he holds land measuring **20 kanals 11 marlas** comprising khasra **No.3962** (old) (**1849 min** new) in village Seer Jageer Tehsil Sopore from 1976 after demise of his father.

3. There is no averment in the writ petition as to whether the land being held by the petitioner is in ownership or in some other status.

4. By reference to said land, the petitioner submits that during his absence from the Kashmir valley, without spelling out the time line of his absence, the land was encroached, again without specifying how much land, by the adjoining holders, without spelling out their names. The petitioner has further come up with the allegation that revenue record was also tempered without disclosing which revenue record.

5. By reference to the aforesaid wild allegation, the petitioner has averred that in order to save his possession over the land, meaning thereby the petitioner impliedly meaning to disown himself from the land in terms of ownership claim, was constrained to file writ petition in this Court as OWP **No.428/2012** disposed of by virtue of an order dated **24.09.2012**.

6. The grievance of the petitioner is that despite detailed order of the field agency in furtherance of the direction of this Court as given in order dated

24.09.2012, the writ respondents have failed to provide requisite redressal to the petitioner grievance.

7. The petitioner comes forward with a very wild allegation that since his land in reference is close to Police Line, without disclosing which Police Lines, the Forces, without disclosing which Forces, have entered into the petitioner's land without authority or license and for that purpose even Social Forestry Department has been accused of establishing a Park next to the petitioner's land.

8. It is in the backdrop of the aforesaid wild assertions and allegations, all unsubstantiated, the petitioner sought invocation of Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 and also mandamus unto the writ respondents No.5 to 6 to refrain from encroaching the petitioner's land and also to desist from altering the revenue records relating to the petitioner's land.

9. It is this writ petition which has remained pending on the docket of this Court for the last more than 20 years, which in the name of facts bear nothing except

sham and feigned assertions from the end of the petitioner leaving this Court clueless with respect to very essential aspect as to whether the petitioner is owner of the land in reference and if so how and by what record, possession of the petitioner in what status and right and to how much land as per the revenue record. The petitioner has not even clarified which Police Line and which Forces have carried out the intrusion into the land of the petitioner.

10. Thus, this court has no *iota* of doubt that the petitioner's objective in the writ petition is more than what meets the eye. Even if this Court were to assume for the sake of arguments that the petitioner is owner of the land in reference still the petitioner has the remedy of a civil suit at his disposal to sue the offenders of his proprietary rights qua the land in reference and then engage the civil court for seeking redressal of his grievance once for all by establishing and proving the facts on all aspects right from ownership to the interference.

11. In the light of the aforesaid, this Court finds the present writ petition as misconceived which is,

accordingly, **dismissed** but without prejudice to the right of the petitioner to await a civil suit if he has suffered any wrong/injury qua the land in reference in whatever legal status he is related to the said land in appropriate court of law.

(RAHUL BHARTI)
JUDGE

SRINAGAR
04.08.2026
“Opinder”

