

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

LPA 175/2025 in
[OWP 348/2003]

GULZAR AHMAD KHAN

...Petitioner/Appellant(s)

Through: Mr. M. Amin Khan, Advocate

Vs.

UNION TERRITORY OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Rizwan Ul Zaman, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

27.04.2026

1. In this intra court appeal under Clause 12 of Letters Patent Appeal is directed against an order and judgment dated 06.06.2025 passed by a learned Single Judge of this Court [“ the Writ Court”] in OWP No. 348/2003 titled Gulzar Ahmad Khan Vs. State of J&K & Ors., whereby the Writ Court has dismissed the writ petition filed by the appellant herein for quashing mutation No. 860 dated 16.01.1990 of Village Hardu Shichan Pati Tehsil Anantnag attested under Section 7 of the J&K Agrarian Reforms Act, 1976[“the Act”].
2. Briefly stating the facts leading to the filing of this appeal are that a land measuring 10 kanals and 18 marlas comprising of Khasra No. 679, 680 and 681 situated in Hardu Shichan Pati Tehsil Anantnag [“subject land”] was in ownership of the private

respondents herein represented by Mr. Rizwan Ul Zaman, Advocate and in cultivating possession of the appellant and other co-sharers in Kharief 1971 as the tiller.

3. Due to the operation of the Act, the agricultural land which was not in personal cultivation of the landlords in Kharief 1971 vested in the State under Section 4 of the Act.
4. In the instant case too, in terms of mutation No. 851 dated 11.09.1984 attested under Section 4 of the Act, the subject land vested in the State and the appellant along with other co-sharers were entered as prospective owners.
5. It seems that a formal mutation under Section 8 conferring the ownership rights on the appellant and his co-sharer was not attested by the Tehsildar concerned and the reasons for such omission are not forthcoming from the record, however, mutation No. 860 dated 16.01.1990 came to be attested in favour of the private respondents purportedly under Section 7 of the Act permitting the private respondents to resume 50% of the subject land. This mutation became subject matter of challenge in an appeal filed by the appellant herein before the Commissioner Agrarian Reforms, Anantnag but the same was dismissed as time barred in terms of order dated 31.10.2001. The order was further assailed by way of a revision petition before J&K Special Tribunal but without any success.
6. Feeling aggrieved by the order of the Special Tribunal, the appellant herein filed a writ petition which has been dismissed by the Writ Court in terms of the judgment impugned in this appeal.

7. Impugned judgment of the Writ Court is assailed by the appellant herein on various grounds, however, during the course of arguments and on the intervention made by this Court, the parties agreed to settle the long pending dispute between them amicably. It was resolved and decided by the parties that the mutation of resumption attested in favour of private respondents which has already attained finality with the dismissal of the appeal and revision by the Commissioner Agrarian Reforms, Anantnag and Special Tribunal respectively and has been upheld by the Writ Court shall remain intact and the appellant herein along with his co-sharers shall be entitled to have a mutation under Section 8 attested in their favour with respect to rest half of the subject land.
8. The private respondents have also agreed to pay a sum of Rs. 1,20,000/- to the appellant within a period of four weeks.
9. On the consensus of the parties, this appeal is disposed of as settled by providing as under:-
- i. The resumption mutation i.e mutation No. 860 dated 16.01.1990 attested in favour of private respondents is upheld and shall remain intact and immune to challenge from appellant and other co-sharers.
 - ii. The appellant along with other co-sharers shall be entitled to have a mutation under Section 8 of the Act attested in their favour with respect of balance 50% of the subject land left behind after resumption. Tehsildar concerned shall attest the mutation as per law.

- iii. The private respondents shall deposit a sum of Rs.
1.20 lakhs in the Registry of this Court within four
weeks.
- iv. The amount shall be released in favour of the
appellant by the Registry upon proper verification.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

27.04.2026

"S. Nuzhat"

