

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA 174/2026
In [WP(C) 1433/2026]
Caveat 1641/2026

Mohammad Hussain Baniya & ...Petitioner/Appellant(s)
Others

Through: Mr. Mir Manzoor Ahmad, Advocate

Vs.

Financial Commissioner (Revenue) & ...Respondent(s)
Others

Through: Mr. Mubashir Bashir Gatoo, Advocate (through VC)

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

05.08.2026

1. Caveat stands *discharged*.
2. This intra-Court appeal, preferred under Clause 12 of the Letters Patent, is directed against the order dated 03.07.2026 passed by the learned Single Judge in WP(C) No. 1433/2026, insofar as it dismissed the writ petition of the appellants challenging the original order dated 02.05.2025 passed by the Financial Commissioner (Revenue), J&K.
3. Briefly stated, the facts leading to the filing of the present appeal are that a revision petition preferred by private respondents Nos. 4 and 5, challenging the entry dated 05.07.2005 recorded in the *Fard-e-Partal* registered by the Girdawar, Shopian, as also the Mutation No. 246 dated 07.12.2009, came to be allowed by the Financial Commissioner

(Revenue), J&K vide order dated 02.05.2025. The impugned revenue entries and mutations were set aside.

4. Aggrieved thereof, the appellants herein initially filed WP(C) No. 3057/2025, which came to be dismissed as withdrawn, with liberty to file a fresh petition, if the cause survived, in terms of order dated 10.04.2026 passed by the learned Single Judge of this Court.
5. Thereafter, the appellants herein filed a review petition before the Financial Commissioner (Revenue), J&K, seeking review of the order dated 02.05.2025. The said review petition came to be dismissed by the Financial Commissioner (Revenue), J&K, vide order dated 25.05.2026.
6. Having failed in the review proceedings, the appellants herein filed WP(C) No. 1433/2026 before the learned Single Judge [“the writ Court”], challenging both the original order dated 02.05.2025 and the order dated 25.05.2026 passed in the review petition, by the Financial Commissioner (Revenue), J&K. The matter was taken up for consideration by the writ Court and in terms of order dated 03.07.2026, the challenge made by the appellants herein to the original order dated 02.05.2025 was dismissed. However, the writ petition, insofar as it pertained to challenge the order dated 25.05.2026 passed by the Financial Commissioner (Revenue), J&K in the review petition, was entertained. It is this part of the order which is assailed by the appellants in the present Letters Patent Appeal.

7. The impugned order is assailed by the appellants primarily on the ground that the writ Court has failed to appreciate that once the challenge to the original order dated 02.05.2025 stood rejected, the challenge to the order dated 25th May, 2026, was automatically rendered redundant. It is argued by the learned counsel appearing for the appellants that even if the writ petition filed by the appellants is allowed and order dated 25.05.2026 passed in review petition by the Financial Commissioner (Revenue), J&K is held bad, the Court would not be in a position to grant any relief to the appellants for the simple reason that the original order dated 02.05.2025 has already attained finality and would not be available to be recalled.

8. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the order passed by the writ Court to the extent impugned before us passed at the threshold is not sustainable in law. The challenge to the order dated 25th May, 2026, passed in review petition by the Financial Commissioner (Revenue), J&K would be still born in the face of the fact that the order sought to be reviewed i.e., 2nd May, 2025, has already been upheld in terms of the impugned order. The challenge to the order dated 25th May, 2026, passed by the Financial Commissioner (Revenue), J&K, in review cannot survive independently once the order dated 2nd May, 2025, passed in the revision petition, is upheld.

9. In view of the aforesaid, we find merit in this appeal. The order impugned dated 03.07.2026 to the extent challenged before us, is set aside and the writ petition WP(C) No. 1433/2026 shall proceed for consideration on merits in respect of the challenge to both the original order dated 02.05.2025 as well as the order dated 25.05.2026 passed in the review petition.

10. Disposed of.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

05.08.2026

"MIR ARIF"

- (i) Whether the order is reportable? Yes/No.
- (ii) Whether the order is speaking? Yes/No.

