Serial No. 124
Suppl. List

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

WP(C) No. 1876/2026

Ghulam Nabi Bajad …Petitioner(s)/Appellant(s).

Through: Mr. Shabeena Nazir, Advocate

Vs.

UT of JK and Ors.

…Respondent(s).

Through:

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

04.08.2026

01. By the instant petition, the petitioner has challenged the impugned Show Cause Notice dated 20th July, 2026, issued by the respondent no. 5-Divisional Forest Officer, Lidder Forest Division, Bijbehara, Anantnag, under Section 79-(A) of the Indian Forest Act, 1927, ("Act of 1927"), which, as per the petitioner is in violation of provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

02. Learned counsel for the petitioner states that petitioner belongs to the Gujjar Bakarwal community, which is a Scheduled Tribe under the Constitution of India and is protected under the provisions of the Act of 2006. She further states that since the petitioner belongs to the Scheduled Tribe, the provisions of the Indian Forest Act,

1927 are not applicable to the instant case, as such, the occupation and possession of the forest land by the petitioner cannot be said to be unauthorized encroachment.

03. Learned counsel for the petitioner lastly states that petitioner could not file response to the Show Cause Notice dated 20th July, 2026, on account of the fact that the respondent no. 5- Divisional Forest Officer, Lidder Forest Division, Bijbehara, Anantnag, who had issued the notice, was not available in his office.

04. Be that as it may, the instant petition is disposed of without expressing any opinion on the merits of the petition with a direction to the petitioner to file response to the Show Cause Notice dated 20th July, 2026 issued by the respondent no. 5 during the course of this week. The respondents are directed to consider the response, if any filed by the petitioner to the Show Cause Notice, strictly in accordance with law.

05. **Disposed of** in the terms indicated above.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
04.08.2026
"Shamim Dar"