

Serial No. 03

Regular list.

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

WP (C) No. 2268/2026.

CM No. 6194/2026

*Mohammad Yusuf Azad
S/O Gulam Rasul Azad
R/O Munawaraabad, Srinagar
Kingsways Camp Delhi-110009.*

..... Petitioner(s)

Through: -

Mr. Bilal Ahmad Khan, Advocate.

V/s

*1. Union Territory of Jammu & Kashmir through
Commissioner/Secretary to Govt, Revenue Department,
Civil Secretariat, Srinagar-190001.
2. Deputy Commissioner, Srinagar
Tankipora, Sriangar-190001.
3. Sub-Divisional Magistrate (East), Srinagar.
Tankipora, Sriangar-190001.
4. Tehsildar, Khanyar,
Tehsil Office, Khanyar
Srinagar-190003.*

..... Respondent(s)

Through:-

CORAM:**HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE****(ORDER)**

14.09.2026.

(Oral)

1. Heard learned counsel for the petitioner in respect of the matter.
2. The case of the petitioner in nutshell is that he is the owner in possession of land 01 Kanal 04 Marlas and 72 Sft, falling under Survey Nos. 1161, 1162, 1163 & 1164 situated at Munawarabad, Srinagar in estate Bari Nambal, Tehsil Khanyar, District, Srinagar (Hereinafter referred as the subject-land).

That he intends to raise construction of his residential house on the subject land and applied before the Srinagar Municipal Corporation for obtaining necessary Building Permission. That is a pre-requisite for the petitioner to upload the necessary revenue extracts/Fard on the website of Srinagar Municipal Corporation. With a view to obtain the revenue

extracts/Fard in respect of the subject land, the petitioner has applied through online mode vide application No. 03961905202622944135 dated 19.05.2026 to the Tehsildar Khanyar-respondent No. 4 herein and has also deposited a fee of Rs. 2000/- vide transaction acknowledgement dated 09.05.2026. That despite lapse of more than 03 months, the respondent No. 4 has not yet issue the requisite extracts/Fard in his favour which has made him unable to apply before the Srinagar Municipal Corporation for grant of Building Permission.

That the office of Divisional Commissioner, Kashmir has recently issued an order bearing No. DivCom/LRS/785119/1173/2026 dated 09.09.2026, instructing all the Deputy Commissioners to provide services to the citizens as per the standing orders and to also take all measures for re-creation of missing/dilapidated Massavies as per norms governing correction of records. That the petitioner has time and again visited the office of the respondent No. 4 with the request for issuance of necessary revenue extracts/Fards but the later has refused the issuances of the same by assigning the reason that the village map/Aksa Latha is not available in the Tehsil Office, Khanyar, and, as such, the revenue extracts/Fards applied for and sought by him cannot be issued. That the petitioner has been subjected to great prejudice and inconvenience by non-issuance of the requisite revenue extracts by the respondent No. 4 as he is not in a position to apply for the Building Permission for construction of his residential house.

3. The petitioner has accordingly, prayed for issuance of direction, commanding the respondents, particularly respondent No. 4 to issue necessary revenue extracts/Fard in his favour in respect of his landed property measuring 01 Kanal 04 Marlas and 72 Sft, falling under

Survey Nos. 1161, 1162, 1163 & 1164 situated at Munawarabad, Srinagar in estate Bari Nambal, Tehsil Khanyar, District, Srinagar.

4. Learned counsel for the petitioner during the course of his preliminary submissions *inter-alia* stated that inaction on the part of respondent No.4 by not furnishing the revenue extracts/Fard within the stipulated period violates the statutory mandate of Jammu and Kashmir Public Services Guarantee Act, 2011. He however, contended that irresponsible and unaccountable approach of the respondent No.4 in arbitrarily withholding the issuance of revenue extracts/Fard has factually prevented the petitioner being a senior citizen from utilizing and enjoying the lawfully owned landed property at Munawarabad, Srinagar, thereby, infringing upon his Constitutional rights under Article 300-A. It has been further submitted by the learned counsel for the petitioner that the petitioner has not filed any other writ petition or any other proceedings concerning the subject matter before any other court/Forum.

5. In the facts and circumstances of the case and especially having regard to the relief sought in this petition by the petitioner, this Court is of the considered opinion that the matter can be disposed of even at this threshold stage by passing of appropriate directions upon the respondents which are otherwise meant to be complied with by them as a part of their statutory duty.

6. The Revenue Department being the custodian of the land records cannot refuse issuance of the revenue extracts except under the circumstances where such issuance is expressly and specifically barred under orders of any Revenue/Civil Court or any other Competent Authority passed in any litigation. The competent officers/officials

having the authority to issue such revenue extracts/Fards can at the most make a note of any important/relevant fact-to-legal point, felt by them to be necessarily incorporated in the extract but cannot refuse issuance of the revenue extracts. It is shocking that citizens are being made to suffer by the Revenue authorities by not issuing the revenue extracts/Fards in their favour under rules. The mere issuance of revenue extracts/Fards cannot be used to change the recorded entries except strictly in accordance with the law. So the agencies being entrusted with the custody of the revenue records have no authority to refuse the issuance of revenue extracts in favour of the applicants strictly as per records. However, as hereinabove mentioned that they can make mention by way of a foot note of any court directions/orders or any other Government instruction(s) so that same can be perused by the authorities before whom such extracts will be produced in connection with any subsequent transaction(s).

7. Admittedly, as mentioned by the learned counsel for the petitioner, the office of the Divisional Commissioner, Kashmir has recently vide communication dated 09.09.2026, enjoined upon all the Deputy Commissioners of Kashmir Division to ensure compliance of the Government instructions/clarifications, in letter and spirit, ensuring adherence to the Public Services Guarantee Act.

8. There should be no hesitation in issuance of a revenue extract/Fard strictly as per the available revenue record. The practice teaches that in day-to-day human transactions even a person who is not a recorded owner or otherwise having any interest in the immoveable property can even feel an urgent need to apply for issuance of revenue extract/Fard in respect of the property recorded in the name of others so

as to enable him to take action under law for enforcement of his rights, alleged to have been accrued to him under any legal transaction(s).

9. The petitioner has placed on record, Annexure-1, a Xerox copy of the earlier revenue extract/Fard which reveals that the petitioner as per the mutation No. 3975 of Family Settlement has acquired some land in the Khasra Numbers as mentioned in the petition.

10. The disposal of the case at this threshold stage is accordingly felt to meet the ends of justice. The matter is, accordingly, disposed of with the direction to the respondents especially to the respondent No.4- Tehsildar Khanyar to issue immediately revenue extracts/Fards in favour of the petitioner under rules, already applied for by him. The necessary revenue extract/Fard shall be issued within a period of one week from the date a copy of this order is left at the office of respondent No.4.

11. The writ petition is ***disposed of*** along with connected CM(s).

(Mohd Yousuf Wani)
Judge

SRINAGAR

14.09.2026.

“Abdul Rashid”

<i>Whether the order is speaking;</i>	<i>Yes/No.</i>
<i>Whether the order is reportable:</i>	<i>Yes/No.</i>