

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) PIL 10/2025

Bashir Ahmad Wani

...Petitioner/Appellant(s)

Through: Mr. Rizwan-ul-Zaman, Advocate

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA
Mr. J.H. Reshi, Advocate

CORAM:

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

ORDER

15.07.2026

1. In this Public Interest Litigation, the petitioner, Bashir Ahmad Wani, has raised the following three principal grievances:

(i) that the private respondents have encroached upon State/Khacharai land falling under Survey No. 499, situated at Village Salia, Tehsil Mattan, District Anantnag;

(ii) that in the execution of works under the MGNREGA Scheme and in the construction of Individual Household Latrines under the Swachh Bharat Mission, there has been misappropriation of Government funds by the official respondents; and

(iii) that there has been gross mismanagement and misappropriation of the funds of the Government

Higher Secondary School, Salia, by the School Management Committee headed by respondent No. 15.

2. On being put on notice, the official as well as the private respondents have entered appearance and filed their respective replies/status reports.

3. Having heard the counsel for the parties and perused the media record, we are of the considered opinion that this petition cannot be entertained for determining the issues which have been raised by the petitioner in this Public Interest Litigation for the following reasons.

4. Insofar as the allegation regarding encroachment over public land is concerned, the status report filed by the official respondents reveals that the subject land measures 7 Kanals and 11 Marlas is recorded as Shamilat Deh (Section 4). It has further been reported that two residential houses have been constructed over an area measuring 2 Kanals, while 18 Marlas are occupied by a cow shed. It is also stated that land measuring 2 Kanals and 12 Marlas comprises of 'Gair Mumkin Qabristan' and 2 Kanals and 1 Marla comprises of 'Gair Mumkin Koul'. From the aforesaid report, it clearly emerges that only 2 Kanals and 18 Marlas of the land recorded as Shamilat Deh (Section 4) is under unauthorized occupation, which is presently used for residential houses and cowshed. Obviously, these residential houses and cowshed are

erected on the Shamilat Deh (Section 4) land and, therefore, cannot legitimately stand there.

5. Insofar as the allegations regarding misappropriation of funds in respect of works executed under the MGNREGA Scheme and the Swachh Bharat Mission are concerned, suffice it to say that in the absence of specific particulars of such misappropriation supported by some material, we cannot enter into a roving inquiry. The petitioner, if aggrieved and is in possession of some relevant material is well within his right to approach the concerned Investigating Agency for appropriate action. Admittedly, before approaching this Court, he has not approached the Anti Corruption Bureau (ACB) or the Police in this regard and, therefore, his bona fides are in serious doubt.

6. Insofar as the grievance regarding the alleged mismanagement and misappropriation of funds of Government Higher Secondary School, Salia, is concerned, the same also does not survive in view of the categorical stand taken by the official respondents that the management of the school has since been taken over by the Government. If, however, the petitioner has any material indicating misappropriation of school funds during the period prior to the Government taking over its management, it shall be open to him to approach the competent authority with an appropriate representation supported by relevant material.

7. For the foregoing reasons, we find no justification to continue with the present Public Interest Litigation. However, we consider it appropriate to observe that it is the bounden duty of the Revenue Authorities to safeguard the State land, including Shamlat Deh (Section 4) land, from unauthorized encroachments. Accordingly, we direct the Deputy Commissioner, Anantnag, to ensure that the State land, including the land recorded as Shamlat Deh (Section 4) in Village Salia, is duly identified and demarcated, and that any encroachment found thereon is dealt with strictly in accordance with law after following the principles of natural justice and affording an opportunity of hearing to all the persons likely to be affected.

8. With the aforesaid observations and directions, this Public Interest Litigation is, accordingly, disposed of.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

15.07.2026

"MIR ARIF"

- (i) Whether the order is reportable?
- (ii) Whether the order is speaking?