

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

**WP(C) 2308/2026
CM(6291/2026)**

Reserved on: 18th September, 2026.

Pronounced on: 22nd September, 2026

Uploaded on: 24th September, 2026

Whether Operative Part or Full

Judgment has been pronounced: **Full**

1. **Mohammad Akbar Bhat Age: 76 years. ...Petitioner(s)**
2. Abdul Salam Bhat, Age: 66 years
3. Ghulam Hassan Bhat, Age: 64 years,
Sons of Ghulam Rasool Bhat
4. Lassa Mohammad Wani, Age: 71 years
Son of Subhan Wani
5. Abdul Rashid Wani, Age: 53 years
Son of Abdul Khaliq Wani
6. Mst. Zaina, Age: 70 years
7. Mst. Fatima, Age: 60 years
Daughters of Abdul Aziz Wani;
8. Mst Fatima, Age: 62 years,
Wife of late Ghulam Hassan Wani.
All Residents of Village Utressoo, Tehsil
Shangus, District Anantnag.

Through: Mr. M. Saleem Parray, Advocate.

Vs.

1. **Union Territory of Jammu & Kashmir, ...Respondent(s)**
through Commissioner/Secretary, to
Government, Revenue Department, Civil
Secretariat, J&K.
2. Additional Deputy Commissioner,
Anantnag, exercising the powers of
Commissioner Agrarian Reforms,
Anantnag.
3. Tehsildar (Agrarian Reforms) Shangus,
District Anantnag.

4. Mohammad Maqbool Bhat.
5. Bashir Ahmad Bhat.
6. Abdul Hamid Bhat.
Sons of Ali Mohammad Bhat.
7. Nisar Ahmad Bhat.
8. Manzoor Ahmad Bhat.
Sons of Abdul Aziz Bhat.
All Residents of Village Utressoo, Tehsil
Shangus, District Anantnag.

Through:

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

JUDGMENT

PRAYER:

01. Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioners have sought quashment of Order dated 28.09.2023 passed by the respondent No. 2-Additional Deputy Commissioner (exercising the powers of Commissioner Agrarian Reforms), Anantnag, whereby the application filed by the petitioners seeking condonation of delay, was rejected, and consequently the appeal so preferred by the petitioners, was also dismissed as being barred by time and also the order dated 15.01.2026 by virtue of which the review petition filed by the petitioners was also dismissed being devoid of any merit. For facility of reference, the reliefs sought by the petitioners are reproduced below:

- a. Issue a Writ of Certiorari quashing order dated 28.09.2023 passed by respondent No. 2, whereby the petitioners application seeking condonation of delay was rejected***

and their statutory appeal was consequentially dismissed as time-barred, together with consequential interference with order dated 15.01.2026 to the extent necessary to give effect to the relief granted;

- b. Issue a Writ of Mandamus directing respondent No. 2 to restore the application seeking condonation of delay and the accompanying appeal to their original numbers; permit the parties to place supplementary affidavits and supporting documents on record; call for and examine the material concerning knowledge, notice, participation, possession and the endorsement recording stay of Mutation No. 1888; decide the condonation application afresh by a reasoned order; and, if delay is condoned, decide the appeal on merits in accordance with law;*
- c. In the alternative, if this Honble Court finds sufficient cause established from the admitted or proved material, condone the delay and direct respondent No. 2 to decide the statutory appeal on merits, confined to the petitioners' claimed portions measuring 3 Kanals under Khasra No. 336 and 4 Kanals under Khasra No. 339, aggregating 7 Kanals, within a stipulated period and after hearing all affected parties;*

- d. *Call for the complete original records relating to Mutation No. 1657 under Section 4, Mutation No. 1888 under Section 8, the proceeding and interim order underlying the endorsement dated 18.04.1987, including the order/ reference described in the endorsement as No. 113-87, or such other correct number as may be disclosed by the original record; and, if any record is stated to be unavailable, direct the competent record custodian to file an affidavit specifying the searches undertaken, circumstances of its loss or destruction and availability of duplicate or reconstructable records; and*
- e. *Any other Writ, order or direction as the Hon'ble court deems fit and proper in the circumstances of the case be passed in favour of the Petitioners and against the respondents.*

BRIEF FACTS OF THE CASE:

02. The controversy in hand pertains to land measuring 4 Kanals and 16 Marlas under Khasra No. 336; and 7 Kanals and 11 Marlas under Khasra No. 339, situated at Village Utressoo Tehsil Shangus, District Anantnag. Out of Khasra No. 336, the petitioners' predecessors held 3 Kanals in tenancy and cultivating possession, whereas the respondents' predecessors held the remaining 1 Kanal and 16 Marlas out of the said survey number; similarly, out of Khasra No. 339, the petitioners' predecessors held 4 Kanals, whereas the

respondents' predecessors held the remaining 3 Kanals and 11 Marlas.

03. The petitioners claim cultivating tenancy rights through their predecessors-in-interest over the aforesaid 7 Kanals out of the aforesaid survey numbers, while the predecessors of the private respondents held the rest of the land in both Khasra numbers.

04. The cultivating possession of predecessors of both the parties over their respective shares was recorded in the Kharif 1971 Khasra Girdawari and affirmed under Section 4 of the J&K Agrarian Reforms Act, 1976 via Mutation No. 1657 attested on 25.04.1981.

05. On 11.10.1986, Mutation No. 1888 was attested under Section 8 of the Act, which conferred the proprietary rights exclusively upon the predecessors of private respondents to the extent of 1 kanal 11 marlas under Khasra No. 336 and 3 Kanals 11 Marlas under Khasra No. 339, corresponding to the portions separately recognized in their cultivating possession under the foundational Section 4 determination. The petitioners do not challenge the conferment made in favour of the private respondents' predecessors insofar as it remains confined to those separately recognized portions but left the petitioners' predecessors' 7 Kanals completely omitted without any recorded order of resumption, surrender, or spot inquiry.

06. A subsequent endorsement dated 18.04.1987 on Mutation No. 1888 recorded an interim stay of the mutation granted by the Joint Agrarian Reforms Commissioner, Kashmir. The petitioners claim they remained in uninterrupted, continuous physical cultivating possession on

the ground of having no notice of the adverse Section 8 mutation.

07. It is submitted that the petitioners allegedly acquired knowledge for the first time in the second week of November, 2021 when revenue field staff attempted to interfere with their possession on the strength of Mutation No. 1888.

08. It is pleaded by the petitioners that on 27.11.2021, they filed an appeal along with an application for condonation of delay before the Additional Deputy Commissioner (Commissioner Agrarian Reforms), Anantnag, who by virtue of order dated 28.09.2023, the rejected the condonation application as being barred by time and consequently, the appeal was also dismissed the appeal as being time-barred.

09. Being aggrieved of the order dated 28.09.2023, the petitioners preferred a review petition, which was dismissed by the appellate authority on 15.01.2026, being devoid of merit.

10. **I have heard the learned counsel for the petitioners and perused the record.**

11. A perusal of the order dated 28.09.2023 passed by the appellate court i.e. court of Additional Deputy Commissioner, (exercising the powers of Commissioner Agrarian Reforms), Anantnag would reveal that the mutation No. 1888 which was attested way back on 11.10.1986 was challenged by the petitioners on 27.11.2021 after a gap of more than 34 years. Merely the petitioners having pleaded before the Appellate Court that the appellants/petitioners herein got knowledge from the Patwari concerned, will not suffice huge delay in filing the appeal. In absence of any documentary evidence to substantiate the plea of knowledge, this Court is in agreement with the view so taken by the

Additional Deputy Commissioner, exercising the power of Commissioner Agrarian Reforms, that no sufficient cause has been pleaded by the appellants/petitioners to condone the delay of three and half decades.

12. The application which has been preferred under Section 5 of the Limitation Act was bereft of any merit as no cogent reason was given to justify such huge delay. The limitation period for filing the appeal under Section 12 of the Land Revenue Act is 60 days. For facility of reference, Section 12 of the Land Revenue Act is reproduced as under:

“12. Limitation for appeals, revisions and reviews:

(1) [Save as otherwise provided in the Act] the period of limitation for an appeal under the last foregoing section shall be as follows:-

(a) When the appeal lies to the Collector or Assistant Collector of the first class: 60 days

(b) When the appeal lies to [xxx] the Financial Commissioner or Divisional Commissioner: 90 days

Provided that, in the District of Ladakh and Gilgit twice the ordinary period of limitation for appeals under this Section shall be allowed.

(2) Such provisions of the Limitation Act as apply to appeals, applications for revision and review in civil suits shall also apply to

***appeals, applications for revision
and review under this Act.”***

13. In absence of any sufficient cause, the concerned Additional Deputy Commissioner has rightly rejected the application for condonation of delay, being devoid of any merit and the appeal as a consequence thereof was also dismissed as time-barred, vide order dated 28.09.2023, and consequently, the interim direction was also vacated.

14. Feeling aggrieved of the order of dismissal of the appeal, the appellants/petitioners preferred a review petition before the same court, without specifying the date as to when the review petition was preferred and the review petition also came to be dismissed in terms of Order dated 15.01.2026, with the following observations:

“A review cannot be sought to re-open or re-argue the matter, nor to substitute a fresh decision in place of the one already rendered after due consideration.

In the present case, the applicant has not been able to demonstrate any error apparent on the face of the record, nor any clerical or arithmetical mistake in the order dated 28.09.2023, which would justify invocation of review jurisdiction.

The grounds urged relate entirely to merits of the case and amount to seeking a re-hearing of the condonation application, which is impermissible under settled law governing review.

Even though the applicant has relied on limited review powers recognized by judicial precedent, those powers can be

exercised only where a patent error is shown. No such error, accidental slip, or omission is found in the impugned order.

For the reasons recorded above, and there being no apparent error, clerical error, arithmetical error, or any mistake on the face of the record, the review application is rejected being devoid of any merit. Interim orders, if any, passed by this court are hereby rejected. File be consigned to records after due completion.”

15. This Court has gone through the order passed by the review court and concur with the view so taken by the review court that there was no error apparent on the face of the record, which could have given a justifiable cause to the review court to have reviewed the order and rightly so, the review petition was rejected being devoid of any merit.

16. After hearing learned counsel for the petitioners and also perusing the record meticulously as also the orders impugned in the instant petition, this Court is of the considered view that there is no legal infirmity in both the orders and court below has rightly exercised the jurisdiction by dismissing the appeal as well as the review petition by virtue of orders impugned. Therefore, the challenge thrown to the impugned orders through the medium of the instant writ petition by invoking the power under Article 226 is ill-founded and devoid of any merit.

17. The law of limitation is essentially procedural in nature. Its purpose is to prescribe the period within which a legal remedy may be invoked and, upon expiry of that period, to restrict the exercise of such remedy. The provisions governing limitation are therefore neither redundant nor

merely technical; they serve an important public purpose and must be construed in a manner that gives effect to the legislative intent behind prescribing definite periods for legal recourse. The underlying rationale of limitation law is that every legal remedy must have a defined temporal boundary. Litigation cannot be permitted to remain open-ended indefinitely, as such an approach would give rise to uncertainty and undermine the orderly administration of justice

18. In **Sheo Raj Singh v. Union of India & Anr**, reported as **AIR 2023 SC 5109**, the Supreme Court has considered the issue regarding delay and laches. It would be profitable to reproduce Para 29 of the above judgment which reads as under:

“29. Considering the aforementioned decisions, there cannot be any quarrel that this Court has stepped in to ensure that substantive rights of private parties and the State are not defeated at the threshold simply due to technical considerations of delay. However, these decisions notwithstanding, we reiterate that condonation of delay being a discretionary power available to courts, exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial. Sometimes, due to want of sufficient cause being shown or an

acceptable being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an 'explanation' and an 'excuse'. An 'explanation' is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. Care must, however, be taken to distinguish an 'explanation' from an 'excuse'. Although people tend to see 'explanation' and 'excuse' as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real. An 'excuse' is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an 'excuse' would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own

facts. At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication."

19. The question of condonation of delay has to be considered in the backdrop of the settled principle that limitation is not a mere technicality, but a statutory mandate intended to bring finality to legal proceedings.

20. In **Basawaraj & Anr. v. Special Land Acquisition Officer, (2013) 14 SCC 81**, the Hon'ble Supreme Court held that where the statute prescribes a period of limitation, the same has to be applied with all its rigor and cannot be extended merely on equitable considerations or on the ground of hardship. The Court observed as under:

"It is a settled legal proposition that law of limitation may harshly affect a particular party, but it has to be applied with all its rigor when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. 'A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.' The statutory provision may cause hardship or inconvenience to a particular party but

the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex, which means ‘the law is hard but it is the law’, stands attracted in such a situation. It has consistently been held that, ‘inconvenience is not’ a decisive factor to be considered while interpreting a statute.”

21. This Court in case titled **Mohd Bashir vs Union Territory of J&K and Others** bearing WP(C) No. 551/2025 decided on 10.03.2026, has observed as under:

“Rules of limitation are prima facie rules of procedure and do not create any rights in favour of any person nor do they define or create cause of action but simply prescribe that the remedy could be exercised only upto a certain period and not beyond it. The Rules of Limitation are not superfluous or vestigial but are to be interpreted in a meaningful manner so as to save the system from anarchy. Law of Limitation fixes a life span for every legal remedy. Time is precious and the wasted time would never resist. So, a life span must be fixed for each remedy. Unending period for launching the remedy may lead to an uncertainty and consequential anarchy. It is enshrined in maxim, “Interests reipublicae ut sit finis litium (It is for the general welfare that a period be put to litigant). Every legal remedy must be kept alive for legislatively fixed period of time. Law is also clear each day after

***limitation time, is required to be explained
by cogent means."***

22. The principle enunciated above is attracted with greater force in the facts of the present case. The statutory remedy against Mutation No. 1888, attested on 11.10.1986, was invoked only on 27.11.2021, after a lapse of more than 34 years. The petitioners were, therefore, required to disclose a cogent and satisfactory explanation accounting for the entire period of delay. A mere assertion of having acquired knowledge of the mutation in November, 2021, not supported by any material demonstrating the circumstances in which such knowledge was acquired or explaining the intervening period, cannot constitute sufficient cause for condoning such an extraordinary delay. In the absence of such explanation, the statutory period of limitation cannot be enlarged on equitable considerations.

CONCLUSION:

23. Keeping in view the authoritative enunciation of law as referred to above, this Court does not find any legal infirmity in the impugned order dated 28.09.2023 passed by the respondent No. 2-Additional Deputy Commissioner (exercising the powers of Commissioner Agrarian Reforms), Anantnag, and consequently order dated 15.01.2026 by virtue of which review application was also dismissed being devoid of any merit.

24. Therefore, writ petition preferred by the petitioners challenging the aforesaid orders being devoid of merit, on account of huge delay, deserves dismissal and the same is, accordingly, **dismissed** in *limine* along with connected application(s). Resultantly, both the orders passed by the learned Additional Deputy Commissioner (exercising the

powers of Commissioner Agrarian Reforms), Anantnag, are upheld as the appeal preferred by the petitioners was barred by law of limitation and there was no error apparent on the face of record nor any clerical mistake in the order dated 28.09.2023 which would justify invocation of review jurisdiction. However, no order as to costs.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:
22.09.2026
"Hamid"

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| ❖ | Whether Judgment is Reportable? | Yes/No. |
| ❖ | Whether Judgment is Speaking? | Yes/No. |

