

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
LPA 229/2026
Caveat 2334/202

BASHIR AHMAD AKHOON AND OTHERS ...Petitioner(s)/appellant(s)

Through: Mr. Mir Manzoor Ahmad, Advocate

Vs.

UNION TERRITORY OF J AND K AND ORS ...Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG., with
 Ms. Maha Majeed, Assisting Counsel.
 Mr. Sameer Hassan Dar, Advocate, for the caveator/R-5.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE M.A. CHOWDHARY, JUDGE

ORDER
21.09.2026

1. The writ petition, WP(C) No. 2254/2022, was filed with the following prayers:

- A) Certiorari thereby quashing the impugned notice dated 1610812022 passed by the Tehsildar Sopore.*
- B) Mandamus commanding the respondents to forebear and restrain from evicting the petitioners from the property purchased by them.*
- C) Mandamus commanding the respondent No. 2 Divisional Commissioner Kashmir to process the case of the petitioners for permission to alienate the migrant plot of land measuring One Kanal and Ten Marlas under survey No. 89 & 92 min situated in village Humlina Tehsil Sopore District Baramulla in their favour.*
- D) Any other order or direction which this Hon'ble court may deem fit and proper be passed in favour of the petitioners and against the respondents.*

2. In view of the aforesaid prayers, the learned Single Judge passed an interim order on 11.10.2022. In pursuance of the order dated 11.10.2022, the respondent-State passed an order dated 10.11.2022, rejecting the application of the appellants

filed under Section 3 of the Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 read with Rule 3 of the Rules framed thereunder.

3. Since Section 3 and Rule 3 became operational by virtue of the order which is annexed as Annexure VIII, it was open to the appellants to avail appropriate remedy as admissible under law. Thus, in view of the availability of the appropriate remedy, the interim order was vacated and writ petition remained pending.

4. At this juncture, the learned counsel for the appellants and learned counsel for the contesting respondent No. 5 jointly submit that both the appeal and the writ petition be disposed of with liberty to avail the appropriate remedy. Learned counsel also jointly submit that any remedy availed of within a period of 30 days from today may be treated as being within limitation. It is further submitted that they shall maintain *status quo* for a period of 30 days from today with regard to the property in question.

5. In the light of aforesaid joint submissions, the writ petition [WP(C) No. 2254/2022] as well as the appeal are both disposed of while clarifying that no interim order shall remain in currency but it shall be open to the appellants to seek appropriate remedy under law which if sought within a period of 30 days from today, shall be treated to be within time. It is also directed that both the parties shall **maintain *status quo*, as already agreed by both of them for a period of 30 days only**. It is needless to say that thereafter any order passed in accordance with law in the remedy sought shall operate.

6. WP(C) No. 2254/2022 and LPA No. 229/2026 are, accordingly, disposed of along with pending application(s) in the above terms.

(M.A. CHOWDHARY)
JUDGE

(DR. PUSHPENDRA SINGH BHATI)
CHIEF JUSTICE

SRINAGAR
21.09.2026
Aadil Bhat