

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

LPA 255/2025 in [WP(C) 730/2023]

**Mohammad Abdullah Malik
and Ors**

...Petitioner(s)/Appellant(s).

Through: Mr. Bhat Fayaz Ahmad, Advocate with
Ms. Nighat Amin, Advocate

Vs.

**Union Territory of J and K and
Ors**

...Respondent(s).

Through: Mr. Sheikh Omer, Advocate

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER

28.04.2026

1. This intra-court appeal by the appellants who are successor in interest of Late Ghulam Nabi Malik, has arisen from an order and judgment dated 11th September, 2025 passed by the learned Single Judge of this Court ["the Writ Court"] in WP(C) No 730/2023 titled "Mohammad Abdullah Malik and Ors vs. Union Territory of J and K and Ors", whereby the Writ Court has dismissed the writ petition filed by the appellants and upheld the order of the Joint Financial Commissioner, Revenue, Srinagar dated 23rd February, 2023, resultantly, the mutation No. 1481 of 1997 whereby the estate of deceased Qama Malik has been mutated in favour of the appellant and the private respondents in equal shares has been upheld.

2. Briefly stated, facts leading to the filing of this appeal are that the ancestor of the parties Late Qama Malik died leaving behind the father of the appellants- Naba Malik and the predecessor in interest of the private respondents namely Mst. Jana (daughter). Vide mutation of inheritance bearing No. 709 dated 9th November, 1987, the estate of Late Qama

Malik came to be devolved on the father of the appellants and the predecessor in interest of private respondent namely Mst. Jana. It seems that out of total land measuring 47 kanals, only 13 kanals and 3 marlas were attested in favour of Mst. Jana.

3. Feeling aggrieved, Mst. Jana challenged mutation No. 709 before the Collector (ACG) Anantnag. The appeal was accepted and the Tehsildar concerned was directed to attest the inheritance mutation afresh giving half share to Mst. Jana. This direction was passed on the ground that Mst. Jana was Khana Nasheen Daughter and was entitled to inherit the estate of her father along with her brother Naba Malik in equal share. It seems that there was further litigation taken by the appellants to the Divisional Commissioner. However, in the year 1997, the Tehsildar concerned attested mutation No. 1481 of 1997 to comply with the order passed by the Collector Anantnag.

4. This mutation was called in question by the appellants before the Joint Financial Commissioner in a Revision Petition which was dismissed by the Joint Financial Commissioner Revenue vide its order dated 23rd February, 2023. The order of the Joint Financial Commissioner was challenged by the appellants before the Writ Court in WP(C) No. 730/2023 which petition the Writ Court has dismissed vide order and judgment impugned in this petition.

5. Having heard the learned counsel for the parties and perused the material on record, we are of the considered opinion that mutation No. 1481 of 1997 is perfectly as per law and, therefore, did not call for any variation or interference by a higher forum.

6. It needs to be taken note of that mutation No. 1481 of 1997, whereby the estate of Late Qama Malik was attested in favour of the

father of the appellants and the predecessor in interest of private respondent namely Mst. Jana in equal shares, was strictly in compliance with the order of the Collector Anantnag. Besides, the mutation is otherwise in consonance with law for the reasons that a Khana Nasheen Daughter takes equal share with the sons of the deceased estate holder. This proposition is not disputed by the learned counsel appearing for the appellants. He, however, submits that the appellants are entitled, in law, to challenge the status of Mst. Jana as Khana Nasheen Daughter before a Civil Court.

7. Viewed from any angle the judgment Writ Court is in full accord with the factual and legal landscape of the instant matter. Indisputably as per the revenue record, Naba Malik-the predecessor in interest of the appellants and Mst. Jana-predecessor in interest of the private respondents are brother and sister, entitled to inherit the estate of estate holder Qama Malik.

8. Since Mst. Jana is recorded as Khana Nasheen Daughter of Qama Malik, therefore, she is entitled to equal share with his brother-Naba Malik. The mutation of inheritance attested pursuant to the directions of the Collector (ACG Anantnag) i.e. Mutation No. 1481 of 1997 is thus perfectly in consonance with the Muslim Law of Inheritance and the Customary Law prevalent in the Valley of Kashmir.

9. Learned counsel appearing for the appellants could not point out any illegality and infirmity in the judgment impugned except that the observations made by the Writ Court with regard to the status of Mst. Jana as Khana Nasheen Daughter must not prejudice the right of the appellants to call in question her status before the competent Court of Law.

10. We have given our consideration to this aspect and we are of the considered opinion that it is trite law that the orders of the Revenue Authorities passed under Land Revenue Act and the Rules framed thereunder particularly when these touch upon the status of a person are subject to a decree from the Civil Court. There is, thus, hardly any need to emphasize on this broader acceptable proposition of law.

11. For the foregoing reasons, we do not find it a fit case for interference with the judgment of the Writ Court. The appeal is found devoid of merit and the same is accordingly **dismissed**.

12. Needless to say that, nothing said by us in this appeal or in the judgment impugned passed by the Writ Court shall prejudice either parties in respect of their civil rights which may be liable to be enforced in the competent Civil Court.

(SANJAY PARIHAR) (SANJEEV KUMAR)
JUDGE JUDGE

SRINAGAR
28.04.2026
Shahid Manzoor

Whether the order is speaking	Yes/No.
Whether approved for reporting	Yes/No.