

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

OWP No. 1936/2017
CM No. (1905/2021)

Parvaiz Ahmad Wani

...Applicant(s)/Petitioner(s)

Through: Mr. M. Sultan, Advocate

VERSUS

State of J&K And Ors.

...Respondent(s)

Through: Ms. Maha Majeed, Assisting Counsel vice
Mr. Mohsin Qadri, Sr. AAG for R- 1 to 4
Mr. Bikramdeep Singh, Dy.AG for R- 5 and 6

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

09.07.2026

1. Further retention of this writ petition on the docket of this Court is going to be nothing but an embarrassment to the very adjudicatory wisdom of this Court in the sense that the petitioner's case is that on the basis of the revenue record as is relatable to the khasra numbers, as mentioned in para **2** of the writ petition, the land by no stretch of claim can be reckoned as state land, whereas the Tehsildar, Srinagar Central Shalteng has reckoned the petitioner to be perpetuating his possession of the State/Kahcharie land comprised

in **Survey No. 25 and 26** of mauza Barthana wherefrom his removal is intended by the Tehsildar, Central Srinagar Shalteng by issuance of a notice which does not even bear a reference number and date except calling upon petitioner to remove the encroachment. The alleged encroachment at the hands of the petitioner vis-à-vis land comprising **khasra No. 25 and 26** have also not been identified so as to expect a compliance from the petitioner about the removal of the encroachment of a specified nature.

2. This Court has a serious doubt whether Tehsildar, Central Srinagar Shalteng ever carried out physical inspection of the site in reference in the context of the petitioner's alleged encroachment because if there would have been any such physical inspection then the nature of encroachment allegedly made by the petitioner qua **khasra No. 25 and 26** would not have escaped memory and mention of and from the end of Tehsildar, Central Srinagar Shalteng.

3. In fact, this Court is left to wonder whether issuance of such like notice, making no head and tail in the context of facts, is deliberately issued to generate a cause of action for a person to seek judicial intervention and under the garb of that to continue with the illegality, otherwise left unmentioned and unidentified by the revenue official issuing the notice, as is in the present case.
4. This Court has no reason to doubt a citizen in terms of his statement of facts that he is in use and occupation of the land, which in terms of revenue record is reflecting his name, and has nothing to do with the **khasra No. 25 and 26**.
5. This petition is, thus, disposed of with a direction to Tehsildar, Central Srinagar Shalteng that in case the factual position is relatable to the use and occupation of the State land comprising **khasra No. 25 and 26** at the hand of the petitioner, then by first affording an opportunity of hearing to the petitioner and identifying as to how much is the land in alleged illegal possession of the petitioner, what is the nature of the user in terms of said

illegal possession from which position the petitioner is intended to be dislocated, be first addressed to the petitioner and thereafter proceed under the Jammu and Kashmir Land Revenue Act, Svt. 1996 otherwise the petitioner, if situated at the site of his own revenue recorded land, then he be not disturbed from that property and possession provided the petitioner is conducting business thereupon in accordance with the law governing the conduct of business as in the present case is said to be that of Poultry Farm.

6. **Disposed of.**

(RAHUL BHARTI)
JUDGE

SRINAGAR

09.07.2026

Akshil Dev