

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2763/2024

FARHAT TASNEEM

...Petitioner/Appellant(s)

Through: Mr. R.A. Jan, Sr. Advocate with
Ms. Saba Aziz, Advocate

Vs.

UT OF J&K AND ORS.

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy. AG
Mr. Waseem Gul, GA
Mr. Waqas, Advocate vice
Mr. Sajad Mir, Advocate

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

22.09.2026

1. The petitioner through the medium of the instant petition has sought the following reliefs:

"i) Writ in the nature of Mandamus or any other appropriate writ, directing/ commanding the Respondents in particular Respondent No.3 to discharge the statutorily obligations laid under the relevant provisions of the Land Revenue Act in particular Section 24 thereof, in the matter of attestation of mutation and updating the record of rights in so far as Petitioner herein is concerned, be issued in favour of the Petitioner and against the Respondents;

ii) Writ in the nature of Mandamus or any other appropriate writ, commanding/directing the Respondents in particular Respondent No.3 to pass order of mutation mutating the title of the land in favour of the Petitioner, updating the record of rights by causing the name of the Petitioner entered/inserted in the record of rights and thereupon to issue and cause to

issue and deliver to the Petitioner the attested copy of the Extract of Record of Rights reflecting/depicting the Petitioner as lawful owner in possession of all that aforementioned plot of land measuring 4 Kanals and 08 Marlas bearing Khasra No.1224, 1225, 1273, 1227, 1222 min/17 and 1223, situate at Gupt-Ganga, Srinagar, be issued in favour of the Petitioner and against the Respondents;

iii) And such other Writ, Order or Direction which this Hon'ble Court deems just and proper to issue in the attendant facts and circumstances of the case be also passed in favour of the Petitioner and against the Respondents.

iv) Costs of the Petition be also awarded to the Petitioner."

2. Mr. R.A. Jan, learned senior counsel appearing for the petitioner, has vehemently argued that the statutory authority, i.e., the respondent No. 3-Tehsildar, has failed to discharge the statutory duty cast upon him under the Land Revenue Act, particularly in terms of Section 24 thereof, despite the petitioner having submitted a proper application before the said authority as far back as in the year 2022.

3. It is submitted that the concerned Tehsildar, being the authority vested with jurisdiction under the Land Revenue Act, was required to discharge his statutory duty in conformity with the mandate of Section 24 of the Act. However, despite the application having been filed by the petitioner, no action has been taken thereon in accordance with law. Section 24 of

the Land Revenue Act for facility of reference is reproduced hereunder:

“24. Making of that part the annual record which relates to land holders and occupants.--

(1) Any person acquiring, by inheritance, purchase, mortgage, gift or otherwise any right in an estate as a land-holder, occupant,] shall report such acquisition to the patwari of the estate.

(2) If the person acquiring such right is a minor or otherwise disqualified, his guardian or other person having charge of his property or, if there is no property in his possession, of his person shall make such report to the patwari.

(3) The patwari shall enter in his register of mutations every such report and shall also make an entry therein respecting the acquisition of any such right as aforesaid which he has reason to believe to have taken place, and of which a report should have been made to him under this section and has not been so made.

(4) A Revenue officer shall from time to time inquire into the correctness of all entries in the register of mutations and into all such acquisitions as aforesaid coming to his knowledge of which under the foregoing sub-sections, report should have been made to the Patwari and an entry made in that register, and shall in each case make such order as he thinks fit with respect to the entry in the annual record of the right acquired

[Provided that the Government may by rules curtail, limit or restrict the power of any Revenue Officer or class of Revenue Officers to inquire into and dispose of any such case or class of cases.]

(5) Such an entry shall be made by the insertion in that record of a description of the right acquired, and by the omission from that record of any entry in any record

previously prepared which by reason of the acquisition has ceased to be correct.

(6) In cases of acquisitions of the rights of assignees of land revenue mutation shall be made in accordance with the final orders of competent authority."

4. Feeling aggrieved of the aforesaid inaction on the part of the concerned Tehsildar, the petitioner was constrained to submit a representation before the Deputy Commissioner, Srinagar, as far back as on 02.12.2022, seeking appropriate directions to the concerned Tehsildar for effecting mutation in favour of the petitioner in accordance with law, on the basis of the documents annexed with the aforesaid application, including the Hiba declaration/deed, duly registered before the learned Sub-Registrar.
5. It has been brought to the notice of the Court by learned Senior Counsel appearing for the petitioner that, pursuant to the aforesaid representation, the Deputy Commissioner, Srinagar, has already directed the concerned Tehsildar to do the needful in accordance with law. However, despite the said direction, the concerned Tehsildar has not taken any consequential action in the matter. Feeling aggrieved of the continued inaction on the part of the statutory authorities, the petitioner has been constrained to approach this Court by way of the instant petition.
6. Mr. R.A. Jan, learned senior counsel appearing for the petitioner, after arguing for a while submitted that the petitioner would feel satisfied if an appropriate direction is

issued to respondent No. 3 to consider and decide the application already preferred by the petitioner within a reasonable time and strictly in accordance with law.

7. Mr. BikramdeepSingh, learned DY. AG appearing for the respondents, is not averse to disposal of the instant petition in terms of the aforesaid prayer, subject to the concerned authority taking a decision in accordance with law and the applicable rules.

8. In view of the consent of learned counsel for the parties, the instant petition is taken up for disposal at this stage, as no fruitful purpose would be served in keeping the petition pending, particularly when the petitioner seeks only an innocuous direction for consideration and disposal of the application in accordance with law.

9. Accordingly, the instant petition is disposed of by directing respondent No. 3-Tehsildar, to consider and decide the application preferred by the petitioner, strictly in conformity with Section 24 of the Land Revenue Act and the applicable rules, within a period of four weeks from the date of receipt of a copy of this order.

10. It is further made clear that, in case respondent No. 3, before passing an order upon the application of the petitioner, considers it necessary to hear any other stakeholder/person having an interest in or connection with the subject matter of the land in question, due opportunity of being heard shall be

afforded to all such stakeholders/persons, as may be found necessary by the said authority, in accordance with law.

11.It is further made clear that, in case the application stated to have been filed by the petitioner is not traceable in the office of respondent No. 3, the petitioner shall be at liberty to file a fresh application before the respondent No. 3-Tehsildar, (North) Srinagar, within a period of one week from today. Upon such application being filed within the aforesaid period, respondent No. 3 shall accord due consideration to the same and take a decision thereon strictly in conformity with Section 24 of the Land Revenue Act and the applicable rules, after affording an opportunity of hearing to all concerned stakeholders, wherever required in law.

12.The instant petition is, accordingly, **disposed of** in the aforesaid terms along with all connected CMs.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

22.09.2026

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