

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

OWP 1552/2018 IA(1/2018) IA(2/2018)
c/w

i) **WP(C) 1023/2020** CM(2400/2020).

ii) CCP(S) 139/2023

iii) **WP(C) 691/2023** CM(1636/2023) CM(1637/2023)

iv) CCP(S) 409/2025.

Fatima And Ors.

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

Through: Mr. Bilal Ahmad Khan, Advocate.

VERSUS

State Of J And K And Ors.

...Respondent(s)

Through: Mr. Bikram Deep Singh, Dy AG.
Mr. Ilyas Nazir Laway, GA.
Mr. Jahinger Dar, GA.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

04.07.2026

WP(C) No. 1023/2020:

1. In the name of Inhabitants of Gassi Mohalla, Safa Kadal, Srinagar, one person- Zahoor Ahmad Khanday introducing himself as Chairman as if the Inhabitants of Gassi Mohalla is a body corporate or a registered body acting through its chairman, approached this Court by way of a representative writ petition.
2. Permission for maintaining the representative writ petition came to be granted in terms of an order dated **10.07.2020** and simultaneously, the writ petition was taken on board with a direction for maintenance of status quo obtaining as on that

date with regard to the position of the land in question came to be passed.

3. In the writ petition, the following reliefs are being claimed:

“A. A Writ of Mandamus, *commanding to process the case for land compensation in terms of provisions of Land Acquisition Act, Land Revenue Act and the Circulars issue thereunder on the analogy of similarly dealt cases on the same land comprising under Khasra No.'s 177 m, 397 min, 600, 657, 666,408, 410, 457, 621, 623, 663, 624, etc whereof the said land has been mutated by way of a common mutation bearing mutation No. 2120 of Estate Baghwan-pora, Tehsil khas and District Srinagar, in favour of the forefathers of the petitioners.*

B. A Writ of Mandamus, *respondents be commanded to extend the benefit of Govt. Order No. 88 of 2005 dated 18-03-2005 by adopting the same analogy as they have adopted by regularining 13 unauthorized colonies in Jammu City as forming Annexure-III of the Writ petition as petitioners also form a class with them, as such respondent No.12 be commanded to pass same and similar order of regularization for Estate Bhagwhwan-Pora area.*

C. A Writ of Prohibition, *respondents be commanded not to disturb the possession of the petitioners not to resort to illegal and forcible eviction without following the due process of law.*

D. A Writ of Mandamus, *respondents be commanded to declare land covered by Khasra No.'s given hereinabove*

relief situated at Estate Bhaghwana Pora, tehsil Khasard District Srinagar and assign the same to the petitioners as envisaged u/s 6 of the Jammu & Kashmir Commons Lands (Regulation) Act, 1956 to the extent of their possession as mentioned in the revenue record.

E. A Writ of Mandamus, District Collector/Deputy Commissioner be commanded firstly to exercise powers in terms of Section 6 of the J&K Commons Lands (Regulation) Act, 1956, and in alternative be commanded to exercise the powers in terms of Section-26 of the J&K Agrarian Reforms Act, 1976 by assigning/allotting land as envisaged under the above mentioned provisions of the law and be also commanded to reflect all assignees/allottees as owners in the ownership column of Annexure-1 by deleting the name of the State.

F. A Writ of Mandamus, in alternative the respondents be commanded to exercise the powers vested with the Collector/respondent No.12 u/s 26 of the J&K Agrarian Reforms Act, 1976 by allotting 02 Kanals of land each by passing allotment orders separately in favour of each petitioners.

G. Any other Writ, order or direction the Hon'ble court deems appropriate in the attending circumstances of the case may kindly be issued in favour of the petitioners and against the respondents for which act of kindness the petitioner shall ever pray.”

3. In the entire writ petition, there is no whisper as to who are the persons with respect to whom Zahoor Ahmad Khanday,

purportedly acting as a Chairman, came forward seeking issuance of a writ of mandamus and, thus, the writ petition, right from its very inception was and continues to be so afflicted with a serious deficiency of foundational facts, in the absence of which this Court cannot, at any given point of time contemplate issuance of any writ of mandamus much less as asked for.

4. When this Court today called upon Mr. Bilal Ahmad Khan, learned counsel for the petitioner to assist this Court on this aspect as to the very maintainability of the writ cause in the petition, Mr. Bilal Ahmad Khan, learned counsel for the petitioner submitted that he would come prepared on the next date.
5. Be that as it may, this Court is inclined to vacate the status quo direction as given in order dated **10.07.2020**, as vacation of the status quo would prejudice none when none is mentioned in the writ petition to be the beneficiary of the status quo direction.
6. As such, order dated **10.07.2020** read with the subsequent orders whereby the status quo direction came to be extended, shall stand vacated. With the vacation of the status quo direction, the Authorities shall be at liberty to deal with the matter in accordance with law.
7. List on **21st July, 2026**.

WP(C) No. 691/2023:

8. In the name of Inhabitants of Garind Khurd, District Budgam, one person- Mohammad Ramzan Mir introducing himself as Chairman as if the Inhabitants of Garind Khurd is a body corporate or a registered body acting through its chairman approached this Court by way of a representative writ petition.
9. Permission for maintaining the representative writ petition came to be granted in terms of an order dated **31.03.2023** and simultaneously, the writ petition was taken on board and a direction for maintenance of status quo obtaining as on that date with regard to the position of the land in question came to be passed.
10. In the petition, the following reliefs are being claimed:

“A. A Writ of Mandamus, commanding to process the case for land compensation in terms of provisions of Land Acquisition Act, Land Revenue Act and the Circulars Issue thereunder on the analogy of similarly dealt cases on the same the land measuring more than 51 kanals since times immemorial comprising under Khasra No.'s 33, 34, 44, 46, 51, 55, 57, 58, 60, 114, 113, 115, 116, 117, 118, 119, 130, 511, 512, etc of estate Kakan Maran and District Budgam, whereof the said land has been mutated by way of mutations Inserted in

the revenue record in favour of the forefathers of the petitioners.

B. A Writ of Mandamus, respondents be commanded to extend the benefit of Govt. Order No. 88 of 2005 dated 18-03-2005 by adopting the same analogy as they have adopted by regularizing 13 unauthorized colonies in Jammu City as forming **Annexure-VI** of the Writ petition as petitioners also form a class with them, as such respondents be commanded to pass same and similar order of regularization for Estate Kakan Maran and District Budgam.

C. A Writ of Prohibition, respondents be commanded not to disturb the possession of the petitioners not to resort to illegal and forcible eviction without following the due process of law.

D. A Writ of Mandamus, respondents be commanded to declare land covered by Khasra No.'s as reflected in relief First of the writ petition as given hereinabove relief situated at Estate Kakan Maran and District Budgam and assign the same to the petitioners as envisaged u/s 6 of the Jammu & Kashmir Commons Lands (Regulation Act, 1956) to the extent of their possession as mentioned in the revenue record.

E. A Writ of Mandamus, District Collector/Deputy Commissioner be commanded firstly to exercise powers in terms of Section-6 of the J&K Commons Lands (Regulation Act) 1956, and in alternative be

commanded to exercise the powers in terms of Section-26 of the J&K Agrarian Reforms Act, 1976 by assigning/allotting land as envisaged under the above mentioned provisions of the law and be also commanded to reflect all assignees/allottees as owners in the ownership column of Annexure-I, by deleting the name of the State.

F. Any other Writ, *order or direction the Hon'ble court deems appropriate in the attending circumstances of the case may kindly be issued in favour of the petitioners and against the respondents for which act of kindness the petitioner shall ever pray."*

11. In the entire writ petition, there is no whisper as to who are the persons with respect to whom Mohammad Ramzan Mir, purportedly acting as a Chairman, came forward seeking issuance of a writ of mandamus and, thus, the writ petition, right from its very inception, was and continues to be so afflicted with a serious deficiency of foundational facts, in the absence of which this Court cannot, at any given point of time, contemplate issuance of any writ of mandamus much less as asked for
12. When this Court today called upon Mr. Bilal Ahmad Khan, learned counsel for the petitioner to assist this Court on this aspect as to the very maintainability of the writ cause in the

petition, Mr. Bilal Ahmad Khan, learned counsel for the petitioner submitted that he would come prepared on the next date.

13. Be that as it may, this Court is inclined to vacate the status quo direction as given in order dated **31.03.2023**, as vacation of the status quo would prejudice none and when none is mentioned in the writ petition to be the beneficiary of the status quo direction.
14. As such, order dated **31.03.2023** read with the subsequent orders whereby the status quo direction came to be extended, shall stand vacated. With the vacation of the status quo direction, the authorities shall be at liberty to deal with the matter in accordance with law.
15. List on **21st July, 2026**.

OWP No. 1552/2018:

16. List this petition along with its connected CMs on **21st July, 2026**.

(RAHUL BHARTI)
JUDGE

SRINAGAR
04.07.2026
Bisma Jan.