

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

RP 91/2025

ABDUL RAUF FAZILI AND OTHERS

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

Through: Mr. M. Ashraf Wani, Advocate
Vs.

**SETTLEMENT COMMISSIONER J AND K
SRINAGAR/ JAMMU AND ORS**

...Respondent(s)

Through: Mr. J.H. Reshi, Advocate
Mr. Nisar Ahmad Bhat, Advocate

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

11.03.2026

1. By this review petition, the applicants/review petitioners are seeking review of order dated 17.12.2024 passed by this court in a writ petition, OWP No. 1288/2014, whereby this court had allowed the writ petition, with the consensus of the learned appearing counsel for the parties viz. petitioners and respondent No. 8.
2. At the very outset, it would be profitable to reproduce the operative paragraph, i.e., Paragraph No. 19 of the order under review herein:

*“19. In view of above, with the consent of learned counsel for the parties, the impugned orders dated 03.11.2012, passed by respondent No. 2, order dated 03.08.2013, passed by respondent No. 4, order dated 24.07.2014, passed by respondent No. 1, notice dated 02.08.2014, issued by respondent No. 4 to the petitioner and the order dated 30.10.2014, passed by respondent No. 9, are quashed. The parties are directed to contest the suit titled **Tanveera Fazli Vs. Mohd Rajab Bhat and Ors.** before the Court of Sub Judge, Anantnag.”*

3. The instant review petition is filed by the review petitioners/respondent No. 6 and 7 in the writ petition *inter alia* on the ground that the order under review dated 17.12.2024 has actually and essentially been passed with the consensus of learned counsel for the petitioners and respondent No. 8 as the order under review would reflect. However, there is no consent either having been obtained or given by the respondents 6 and 7 while the order

under review was passed making the order liable to be reviewed as the interests of the respondents 6 and 7 have been prejudiced by such order.

4. Learned counsel for the review petitioners would submit that the petitioners and the respondent No. 8 are working in collusion with each other and the order under review has been obtained by the two parties to the prejudice of respondents 6 and 7 in their exclusion.
5. Heard learned counsel for the parties and perused the order under review.
6. From the perusal of the order under review, it transpires that the respondents 6 and 7 were not present when the order has been passed and as such there has admittedly been no consent recorded on their behalf for the disposal of the writ petition.
7. In view of above, this court is of the considered opinion that review petition does point out an error apparent on the face of record, warranting reviewing of order dated 17.12.2024. Accordingly, the instant petition seeking review of the order dated 17.12.2024 succeeds and is allowed as such. The order dated 17.12.2024, therefore, is recalled and the writ petition, OWP No. 1288/2014 is revived.
8. Review petition is accordingly disposed of on the above lines.
9. Registry is directed to list the writ petition, OWP No. 1288/2014, for fresh consideration on 15.04.2026 after putting parties to notice.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:

11.03.2026

“Misba”