

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

CCP(S) 507/2023 in[WP(C) 2584/2021].

RATTAN LAL BHAT AND ANR.

.....Petitioner(s)

Through:
Mr. Aamir Latoo, Adv.

Versus

SYEED FAKHRUDIN HAMID (REVENUE DEPARTMENT).

.....Respondent(s)

Through:
Mr. Faheem Nissar Shah, GA

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
01.06.2026

1. The instant contempt petition arises out of an order dated 05.09.2022 passed by this Court in WP(C) No. 2584/2022, followed by order dated 03.05.2023 passed in Review Petition No. 83/2022.
2. With a view to adjudicate the instant contempt petition, it would be appropriate to refer to the basic order dated 05.09.2022 passed by the learned writ court against which the instant contempt petition has been preferred. A perusal whereof reveals that the writ petition came to be disposed of by the learned Writ Court, the operative part whereof is reproduced hereunder:

“Having heard the learned counsel for the parties and the nature of controversy involved this petition is disposed of providing that the proprietary land of the petitioners, if any, situated at Bonagund, Verinag, District Anantnag, which as per petitioners is contemplated to be acquired by the respondents, shall not be taken

possession by the respondents otherwise than by following due process of law.”

3. Feeling aggrieved of the aforesaid order, the petitioners preferred a review petition, which also came to be disposed of by the same Court vide order dated 03.05.2023 in the following terms:

“Although I do not find any error apparent on the face of the record in the judgment dated 05.09.2022 passed in WP(C) No. 2584/2021, yet I deem it appropriate to clarify that the decision of the WP(C) No. 2584/2021 shall not come in the way of District Magistrate to consider the grievance of the petitioners qua their allegation of illegal occupation of their proprietary land by the Police in accordance with law.”

4. A conjoint reading of the aforesaid orders makes it abundantly clear that the order dated 05.09.2022 stood clarified to the extent that it would not come in the way of the District Magistrate while considering the grievance of the petitioners regarding the alleged illegal occupation of their proprietary land by the Police Department, strictly in accordance with law.
5. Per contra, Mr. Faheem Nisar Shah, learned Government Advocate appearing on behalf of the respondents, submitted that a detailed Statement of Facts was filed on 21.07.2025 pursuant to the order dated 07.07.2025 passed by this Court. It is contended that the respondents have duly complied with the directions issued by the learned Writ Court as well as the subsequent order passed in the review petition.

6. In support of the said contention, it has been projected that the Deputy Commissioner, Anantnag, convened a meeting with the representatives of the Senior Superintendent of Police, the District Youth Services and Sports Officer, and the District Manager, Sports Council, for the purpose of inquiring into the alleged occupation of the property in question prior to its restoration to the petitioners. The said meeting was held on 18.07.2025, wherein the participating officers were requested to furnish status reports regarding the occupation of the land under dispute.
7. From the stand taken by the Deputy Commissioner in the Statement of Facts, it emerges that the Senior Superintendent of Police, the District Youth Services and Sports Officer, and the District Manager, Sports Council submitted their respective reports, wherein it was categorically stated that the subject land had never been under the occupation of any of the aforesaid departments. The Deputy Commissioner has placed reliance upon these reports, which have been annexed collectively as Annexure-VII to the Statement of Facts.
8. Mr. Faheem Nisar Shah, learned Government Advocate, has further invited the attention of this Court to a communication dated 05.02.2021 addressed by the Senior Superintendent of Police, Anantnag, to the Deputy Commissioner concerned. A perusal of the said communication reveals that the proprietary land of Rattan Lal Bhat, measuring 07 Kanals and 12 Marlas under Khasra

No. 85, situated at Bonagund, Verinag, Tehsil Shahabad Bala Dooru, District Anantnag, had never remained under the occupation of the Police Department, as revealed from the report submitted by the field formations. It has further been stated therein that possession of the said land had already been handed over to the owner/landlord, Rattan Lal Bhat, by the Revenue authorities headed by the concerned Tehsildar, along with the concerned police officials, in the presence of the village Chowkidar.

9. In addition, learned Government Advocate has also drawn the attention of this Court to another communication dated 18.07.2025 issued by the District Youth Services and Sports Officer, Anantnag, addressed to the Additional District Magistrate, Anantnag. A perusal of the said communication reveals that a stand identical to the one taken by the Senior Superintendent of Police, that the land in question had never been acquired or occupied by the Department of Youth Services and Sports. The said position has further been reiterated by the In-charge Manager, Sports Council, Anantnag.
10. Thus, in light of the stand taken by the respondents in the fresh Statement of Facts, coupled with the material placed on record along with the said Statement, this Court is of the considered view that the directions contained in the order dated 05.09.2022, as subsequently clarified vide order dated 03.05.2023 passed in the review petition, stand complied with in their letter and spirit. The essence of the directions

issued by the learned Writ Court was that the competent authority, namely the District Magistrate, Anantnag was required to consider the grievance of the petitioners regarding the alleged illegal occupation of their proprietary land by the Police Department in accordance with law.

11. Upon consideration of the record and the Statement of Facts filed by the respondents, this Court is satisfied that the grievance projected by the petitioners has been duly examined by the competent authority. The Police Department has categorically stated that the land in question was never under its occupation or possession. Similar reports have been furnished by the Department of Youth Services and Sports as well as the Sports Council. The competent authority has considered the matter in compliance with the directions issued by this Court and has arrived at its conclusion on the basis of the material available on record.

12. In the aforesaid circumstances, no case for proceeding further in the exercise of contempt jurisdiction is made out. Since the judgment and orders sought to be enforced through the present contempt proceedings stand substantially complied with, no useful purpose would be served by keeping the instant contempt petition pending.

13. Accordingly, the proceedings in the instant contempt petition are closed. Rule, if any, shall stand discharged. The contempt petition is, accordingly, **disposed of**. However, it is made clear that the disposal of the present contempt petition shall not preclude the petitioners from availing such

remedies as may be available to them under law, in the event
any fresh cause of action accrues in their favour.

(WASIM SADIQ NARGAL)
JUDGE

Srinagar
01.06.2026
Sakeena

