

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

WP(C) No. 3284/2025

C/W

WP(C) No. 350/2026

Mst. Taja

..... Appellant/petitioner(s)

Through: -

Mr. Rizwan, Advocate

V/S

UT of J&K and Ors.

..... Respondent(s)

Through: -

Mr. Mohsin Qadri, Sr. AAG with Ms. Maha Majeed, AC

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)

06.07.2026

01. These two writ petitions involve a common subject; therefore, both are taken up together for final disposal.

02. The petitioner in WP(C) No 3284/2025 is challenging the order dated 13.11.2025, passed by Joint Financial Commissioner, Revenue with the powers of Financial Commissioner, Revenue (J&K) Jammu, in case titled *Ghulam Nabi Mir Vs. Mst. Taja*, whereby the respondent No. 3 has accepted the revision petition filed by respondent No. 6, against the order dated 11.02.2023, passed by respondent No. 5, in case titled *Mst. Taja Vs. Ghulam Nabi Mir* and set aside the mutation No. 2986 dated 12.05.1988, while remanding the appeal to the Additional Deputy Commissioner (Collector), Anantnag.

03. Similarly, in WP(C) No. 350/2026, the order dated 11.02.2026, passed by Additional Deputy Commissioner, Anantnag has been assailed on the same grounds, as projected in WP(C) No. 3284/2025.

04. Aggrieved of the orders dated 13.11.2025 and 11.02.2026, hereinafter referred to as impugned orders, the petitioners of both petitions have filed the instant petition, and challenged the same precisely on the ground that in terms of notification dated 19.02.2015, vide SRO No. 55 all the Sub Divisional Magistrates of the erstwhile State of J&K had been conferred with the powers of Collector and as such, the respondent No. 3, has wrongly held that the SDM, Pahalgam-respondent No. 5, had no jurisdiction to act as Collector, hear an appeal and pass an order dated 11.02.2023. SRO No. 55 is reproduced as under:-

“SRO-55.—In exercise of the powers conferred by sub-sections (4) and (5) of section 6 of the Jammu and Kashmir Land Revenue Act, Samvat 1996 (XII of 1996), and in supersession of Notification SRO-258 of 2012 dated 3rd August, 2012, the Government hereby confer upon all the Sub-Divisional Magistrates of the State the powers of Collector to be exercised by them under the said Act, within their respective territorial jurisdiction.”

05. The learned counsel for the other side while resisting the claim of the petitioner submitted that the impugned order is well reasoned needs no interference as the SRO No. 55 of which reference is being made by the learned counsel for the petitioner was superseded by the amendment in terms of Sub Section 2 of Section 6 of J&K Land Revenue (amendment) Act, 2018. Sub 2, 3 and 4 are, for facility of reference, reproduced herein:-

“ In Section 6 of the Jammu and Kashmir Land Revenue Act, Samvat 1996, for Sub Section (2), the following shall be substituted, namely:-

The Deputy Commissioner and the Additional Deputy Commissioner of a District shall be the Collector thereof; and a Sub Divisional Magistrate, as Assistant Commissioner and a Tehsildar shall be an Assistant Collector of the First Class and a Naib-Tehsildar an Assistant Collector of the Second Class.

3. Unless the government issues a notification to the contrary, the jurisdiction of the Financial Commissioner shall extend to the whole of the Union Territory and of Divisional Commissioner to the provinces and of Collectors and Assistant Collectors to the Districts and Tehsils respectively in which they are employed.

4. The Government may by notification confer on any person-

(a) all or any of the powers of a Financial Commissioner, Divisional Commissioner or Collector under this Act, or

(b) all or any of the powers with which an Assistant Collector may be invested thereunder;
And may by notification withdraw any powers so conferred.”

06. This is the short controversy projected in these two writ petitions. The other petition, viz WP(C) No. 350/2026, is also filed on the same subject involving same question for determination.

07. Heard learned counsel for the parties, considered the submissions made and perused the material made available including the impugned order.

08. The submission of the learned counsel for the petitioner in both the writ petitions is same i.e., the SDM had the powers of Collector in terms of SRO No. 55 of 2015 and was as such, competent to hear the appeal and pass the orders in question.

09. The bare perusal of the two provisions of law i.e, SRO 55 of 2015 and the amendment of J&K Land Revenue Act, 2018 make it abundantly clear that it is the Deputy Commissioner or the Additional Deputy Commissioner of the District, who is authorized by law to act as Collector of that District and as such, the orders passed by respondent No. 5, are without jurisdiction, therefore, unsustainable in law, inasmuch as the orders passed by the respondent No. 5, have been passed in the year 2023 pursuant to the SRO 55 of 2015, when as a matter of fact the amendment of 2018 of J&K Land Revenue Act was very much in place and the SRO 55 had lost all legal sanctity insofar as the conferment of jurisdiction upon the SDM to act as Collector is concerned. It does not need any reiteration that provision of law in vogue has the overriding effect and is enforceable in law in comparison to the one that is issued prior in time and is superseded. In the instant cases, the orders passed by respondent No. 5, have admittedly been passed after the

amendment of 2018, had come into effect. In that view of the matter, the respondent No. 5 was wholly unjustified to have heard the appeals and passed the orders in question, while assuming jurisdiction in terms of the provisions of law that stands substituted.

10. In view of above, I do not see any merit in these petitions which are accordingly, **dismissed**. The impugned orders dated 13.11.2025 & 11.02.2026 passed by Joint Financial Commissioner, Revenue with the powers of Financial Commissioner, Revenue (J&K) Jammu and the Additional Deputy Commissioner, Anantnag, respectively are, accordingly, upheld. Interim direction, if any, subsisting shall stand vacated.

11. Registry is directed to place a copy of the order on each file.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
06.07.2026
"Mohammad Yasin Dar"

