

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(Through Virtual Mode)**

CJ Court

Case : LPA No. 332/2025 in
[OWP 953/2016]
CM No. 9033/2025

Date of pronouncement: 27.01.2026
Uploaded on : 28.01.2026

Shagufta Zulfikar

..... Appellant/Petitioner(s)

Through: Mr. Z.A. Qureshi, Sr. Advocate with
Assisting Counsel.

Vs

State of J&K and others

..... Respondent(s)

Through: Ms. Maha Majeed, Assisting Counsel vice
Mr. Jahangir Ahmad Dar, GA.

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

ORDER (ORAL)

ARUN PALLI-CJ

Learned Senior counsel for the appellant submits that the appellant owns a land measuring 08 kanals 07 marlas situated in Budgam. Which was sought to be acquired vide Notification dated May 14, 2008 under Section 4 (1) of the State Land Acquisition Act for tower foundation of a transmission line. But since the Authorities failed to issue any Notification under Sections 6 & 7 of the Act, the appellant filed OWP No. 953/2016 to de-notify the subject land, for, the acquisition proceedings had lapsed. But despite that, he submits, the respondents attempted to take possession of the subject land and even marked the trees for felling. As a result, the appellant was constrained to move CM No. 7311/2025. He submits that the limited grievance that the appellant has is that vide impugned order the Writ Court simply issued notice on the said application. And granted time to the respondents to submit response. But refused to grant the stay prayed for.

However, upon being pointedly asked, learned Senior counsel for the appellant, as always, fairly submits that albeit the impugned order was passed over two months ago but to date the respondents have not caused any interference in the actual physical possession of the appellant. He submits that the matter is posted before the Writ Court for February 05, 2026 and in the given circumstances till any response is submitted by the respondents to the

application, referred to above and to avert any complications, the possession of the appellant be protected.

In response, learned counsel for the respondents submits that a reply to the application (ibid) shall be filed on or before the adjourned date. And without any prejudice to the rights and interests of the Authorities till the Writ Court, after hearing the learned counsel for the parties, passes any order, *status quo* as it exists today shall be maintained qua the subject land.

In the wake of the above, we are not required to delve any further into the merits of the case. The appeal is, accordingly, ***disposed of*** in terms of the statements made by learned counsel for the parties.

Needless to assert that this order shall not constitute any expression of opinion on merits of the case of either party, as the learned Single Judge shall decide the application (ibid) in accordance with law.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu :
27.01.2026
Pawan Chopra/Secy

