Serial No. 35
Suppleemntary Causelist III

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 1170/2024
CM 3198/2024
Caveat 753/2024

Ghulam Rasool Ganie …Petitioner(s)

Through: Mr. Sheikh Mushtaq, Advocate

Vs.

Union Territory of J&K and Ors. ...Respondent(s)

Through: Mr. Lone Altaf, Advocate for R-6 to 8 and 10.

CORAM:
HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.

ORDER
30.05.2024

The petitioner is aggrieved of and has called in question an order dated 11th December, 2023, passed by District Magistrate, Ganderbal, whereby a direction has been issued to the Tehsildar Wakura (Executive Magistrate 1st Class) to take over the property of Late Dina Nath, subject matter of Mutation No. 968 situate in estate Waskura Tehsil Wakura in custody in terms of the Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 [" the Act"]. The impugned order is appealable under Section 7 of the Act and the appeal lies before the Financial Commissioner, Revenue.

In view of the alternative statutory remedy available under the Act this petition is not maintainable. The petition is, therefore, **dismissed** with liberty to the petitioner to avail the remedy of appeal available before the Financial Commissioner, Revenue. It is made clear that this Court has not expressed any opinion with regard to the merits of the case.

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
30.05.2024
"Mir Arif"

MIR ARIF MANZOOR
I attest to the accuracy and
authenticity of this document

03.06.2024