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| Serial No. 10 |
| Reg. List     |

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

WP(C) 2967/2025 CM(7912/2025

OWAIS AHMAD WANI

..... Petitioner(s)

Through: -

*Mr. Salih Pirzada, Advocate.*

**V/s**

EXECUTIVE MAGISTRATE 1ST CLASS CHANAPORA AND ANR.

..... Respondent(s)

Through:-

*Mr. M. A. Chashoo, Sr. Advocate with  
Ms. Insha Rashid, Advocate.*

**CORAM:**

**HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

**(ORDER)**

01.12.2025.

The case set out by the petitioner is that Police post, Humhama, Budgam approached respondent No.1-Executive Magistrate, 1<sup>st</sup> Class, Chanpora, Natipora, Srinagar, on 11.06.2025, that there was apprehension of breach of piece by the parties on spot, with respect to immoveable property situate at 26-Green Avenue, Hyderpora, Peerbagh. The parties were called by the Magistrate. They made oral statements and produced some documents including agreement to sell. The Magistrate visited the spot on 19.06.2025, to assess situation. Though the Magistrate satisfied that there was clear apprehension of breach of piece on spot with respect to which multiple FIR's and counter FIR's had been lodged between the parties, however, the Magistrate in its wisdom instead of initiating proceedings in terms of Section 164/165 BNSS, invoked Section 126 BNSS and bound down the parties by filing an undertaking to maintain peace and tranquility.

The only grievance of the petitioner is that respondent No.1 has not concluded the said proceedings till date.

With the consensus of learned counsels for the parties, the present petition is disposed of at its threshold with a direction to respondent No.1-Executive Magistrate 1<sup>st</sup> Class, Chanpora, Natipora to conclude the proceeding within a

period of three weeks from the date copy of this order along with petition and annexures are made available to him after affording a reasonable opportunity of being heard to the parties.

*Disposed of* along with connected CM(s).

**(Rajesh Sekhri)**  
**Judge**

**SRINAGAR**  
**01.12.2025.**  
*“Abdul Rashid”*