Serial No. 01

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

RP No. 35/2024 in
WP(C) No. 626/2021

Date of pronouncement: 31.07.2026
Date of uploading: 31.07.2026

Meenakshi Kak and Ors. …..Appellant(s)/Petitioner(s)

Through: Mr. P. N. Bhat, Advocate with
Ms. Urvashi Kichloo, Advocate

vs

UT of J&K ….. Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG with
Mr. Anuj Datta, Advocate
Ms. Saliqa Sheikh, assisting counsel to
Mr. Raman Sharma, AAG

CORAM: HON'BLE THE CHIEF JUSTICE (ACTING)

ORDER (ORAL)
31.07.2026

1. This is a petition, filed by the petitioner seeking review of the judgment dated 20.03.2024 passed by this Court in WP(C) No. 626/2021 titled *"Omkar Nath Bhat Vs. U.T. of J&K & Anr."* whereby this Court, while allowing the petition, deleted the condition No. 2 in the communication and directed the respondent to pass appropriate order of registration in favour of the petitioners as migrants subject to fulfilment of other three conditions.

2. To put it straight, it may be noted that the respondent-Authority responsible for registration of persons as migrants from Kashmir had insisted the father of the petitioners to meet the following four requirements before he could be considered as migrant:

(i) Copy of permanent resident certificate of applicant(s) or his parents issued by the competent authority in Jammu and Kashmir.

(ii) Copy of electoral roll for the year 1951, showing the name of applicant(s).

(iii) Copy of electoral roll for the year 1988, showing the name of applicant(s).

(iv) Proof of owing or possessing immoveable property in any part of J&K on or after 14th of May, 1944.

3. The father of petitioners herein was aggrieved of and challenged one of the conditions, which insisted for providing copy of electoral roll for the year 1951 i.e. condition No. (i) on the ground that the same was not capable of being complied with.

4. Having regard to the submissions made and the difficulty pointed out by the predecessor-in-interest of the petitioners in procuring the electoral roll for the year 1951, this Court agreed with the contention of learned counsel for the petitioners and directed deletion of aforesaid condition i.e. condition No. (ii), however, it was directed that subject to fulfilling the conditions (i), (iii) and (iv), the competent authority shall consider and pass formal order of registration in favour of the predecessor-in-interest of the petitioners.

5. This is now a petition for seeking review of the judgment on the ground that even the condition (i) cannot be complied with as all the documents including PRC of predecessor-in-interest of the petitioners has been burnt in the fire.

6. The error, as pointed out by learned counsel for the petitioners, is not any error apparent on the face of record committed by this Court. A person, who is claiming the status of ‘migrant’ must show that he was permanent resident of the State at the time of migration, and permanent Resident Certificate was the only relevant document to prove such status.

7. In view of the aforesaid, I am not inclined to recall or review the order. However, it is left to the authority concerned to take an appropriate view in the matter, if it feels satisfied that a proof, equivalent to or in line of the PRC, is provided by the applicants and that such proof is worthy of placing reliance.

8. Subject to the aforesaid observation, this review petition is **dismissed.**

(Sanjeev Kumar)
Chief Justice (A)

Jammu
31.07.2026
Vishal Sharma

Whether the order is reportable: Yes/No

Whether the order is speaking: Yes/No