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Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) 1/2023 CM(4/2023).

Inhabitants of Redwani Payeen.

... Petitioner(s)

Through: Mr. F. A. Wani, Advocate with
Mr. Tahir, Advocate.

VERSUS

UT of J&K & Ors.

... Respondent(s)

Through: Mr. Mohsin S. Qadri, Senior AAG with
Ms. Maha Majeed, Assisting Counsel.
Mr. Danish Khursheed, Advocate for R-9.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
04.11.2026

1. This petition does not deserve to engage this Court any longer and, in fact, its disposal would serve no prejudice either to the petitioner or for that matter to the contesting respondent No. 9, and may, in fact, enable proper adjudication of the matter in dispute.

2. An order dated **18.05.2015** is passed by the Collector, Deputy Commissioner, Kulgam, which reads as under:

> *"All previous orders are set aside. Tehsildar Qaimoh is directed to proceed on spot and restore the pathway under Common Lands Act, 1956 if not already restored"*

3. This direction was passed by the Collector, Deputy Commissioner, Kulgam, in a purported appeal filed by

respondent No. **9- Mohammad Shafi Sofi** against an order **No. DCK/SQ/268-69** dated **02.11.2014** passed by the Assistant Commissioner, (Revenue), Kulgam.

4. The Divisional Commissioner, Kashmir, came up with setting aside of order dated **18.05.2015** passed by the Collector, (Deputy Commissioner), Kulgam, but without recording any final finding as to what is to be the fate of the appeal preferred by the respondent No. 9 and, therefore, there is a blind spot in the very adjudication of the Divisional Commissioner, Kashmir in his order dated **16.12.2015.**

5. This writ petition is ***disposed of*** with a direction to the Collector, (Deputy Commissioner), Kulgam, to revive the appeal preferred by the respondent No. 9 against order **No. DCK/SQ/268-69** dated **02.11.2014** and adjudicate the appeal on merits, by affording due opportunity of hearing to both the appellant- **Mohd. Shafi Sofi** as well as the present petitioner as respondent, and pass an order recording the facts at the first instance and thereafter the reasons leading to the final conclusion with respect to the appeal preferred by the respondent No. 9.

6. The needful exercise shall be undertaken by the Collector, (Deputy Commissioner), Kulgam, on or before **31st of January, 2027.**

7. A copy of this order be forwarded to the Collector, (Deputy Commissioner), Kulgam, before whom the respondent No. 9 as well as the representative of the petitioner shall appear on **23rd of November, 2026,** for revival of the proceedings in the appeal.

(RAHUL BHARTI)
JUDGE

SRINAGAR
04.11.2026
Bisma Jan.

