Serial No.76
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 569/2025
CM(1396/2025).

NASEER AHMAD KHAN AND ORS. **…Appellant/Petitioner(s)**

Through: None

Vs.

UNION TERRITORY OF J AND K AND ORS. (REVENUE). **...Respondent(s)**

Through: Mr. Jehangir Dar, GA vice Mr. Waseem Gul, GA for Rs. 1, 2, 5 and vice Mr. Illyas Nazir Laway, GA for R. 6.

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

02.11.2026

01. By way of the instant petition, the petitioners have prayed for the following relief:

"*i. Writ of Mandamus, Commanding the respondents more particularly respondent No. 3 (Sub-Divisional Magistrate) and respondent No. 6 (Executive Engineer R & B) to remove the encroachment from the link road situated at Lassipora Sogam, Kupwara and restoration of the same for the benefit of the petitioners and other residents.*

ii. Writ of Mandamus, Commanding the respondents Revenue Authorities to apply the judgment passed by the Hon'ble Supreme Court in case titled Jagpal Singh vs. State of Punjab, Civil Appeal No. 1132/2011 and also discharge their obligations as per the scheme framed by the Govt. of J&K vide Govt. Order No. Rev/Lit/218 of 2011 dated 28-11-2011 having reference of Cabinet Decision No. 88/23/2011 dated 19-10-2011 and remove the encroachment from the Kahcharie land and restore the link road to its original position and also respondents be directed to complete the macadamization of the rest of the link road."

02. Respondents 1 to 6 have been proceeded against ex parte and their right to file objections stands closed. Respondent No. 7 has also been set ex parte vide order dated 26.09.2026.

03. Learned counsel for the petitioners submits that the petitioners, residents of village Lassipora, Sogam, had approached the Sub-Divisional Magistrate, respondent No. 3, through an application seeking restoration of the link road, which had allegedly been blocked by private respondent No. 7 by raising a tin shed in the middle thereof.

04. It is further submitted by the learned counsel that the said application was forwarded to the Tehsildar, Sogam, and the concerned Patwari, who were directed to furnish a report regarding the alleged encroachment. The Tehsildar, vide communication bearing No. NTS/24/398 dated 30.07.2024, addressed to the Station House Officer, Sogam, stated that the field staff was required to visit the spot to resolve the dispute between the parties and, accordingly, requested the Station House Officer to provide necessary assistance. Learned counsel submits that despite the order dated 09.10.2024 passed by the Tehsildar, no action has been taken by the respondents.

05. Be that as it may, the instant petition is disposed of with a direction to respondents 2 to 5 to take necessary steps for removal of encroachment, if any, found to have been made on the link road situated at Lassipora, Sogam, Kupwara, in accordance with law provided there is no legal impediment.

06. ***Disposed of*** accordingly.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:
02.11.2026
Sakeena