Serial No. 12
Cause list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 1087/2024

GHULAM NABI MIR **…Appellant(s)/Petitioner(s)**

Through: Mr. Rizwan-ul-zaman, Advocate

Vs.

FINANCIAL COMMISIONER (REVENUE) AND ORS. **...Respondent(s)**

Through: Mr. Saqib Amin Parray, Advocate
Mr. Faheem Nisar Shah, GA

CORAM:

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

ORDER

13.11.2026

1. The petitioner has challenged the order dated 26.09.2023 [hereinafter to be referred as "impugned order"] passed by learned Financial Commissioner (Revenue)/Commissioner Agrarian Reforms, J&K Srinagar (Respondent No. 1) in a revision petition preferred by the petitioner in respect of order dated 16.05.2023, passed by the Additional Deputy Commissioner (Commissioner Agrarian Reforms) Anantnag, in case titled *"Ghulam Nabi Mir vs. Additional Deputy Commissioner and ors.*", whereby, the respondent No. 1 has dismissed the revision in limine, leaving the petitioner free to pursue the efficacious remedy of appeal before the competent appellate forum.
2. Precisely, case of the petitioner is that an appeal against the order of mutation bearing No. 1101 in respect of land bearing 4 Kanal comprising Survey No. 788 and land measuring 3 Kanal comprising survey No. 1248/406 of estate deceased Ambir S/o Siddah Mir, situated at Kawarigam, Anantnag, was preferred by the respondents 3 to 10 herein which was allowed and the order passed on the above referred mutation was set aside with the direction to Tehsildar concerned to conduct *de novo* enquiry and pass appropriate orders as per law.
3. Aggrieved of the order of the appellate court, the petitioner filed a revision petition before respondent No. 1 which was dismissed on the ground that petitioner had availed the statutory remedy of appeal against the order of respondent No.2 in terms of Section 11 of Land Revenue Act.

4. This petition is now filed by the petitioner against the orders of appellate court as also the revisional court on the grounds taken in the memo of petition.
5. Heard learned counsel for the parties, considered the submissions made, and perused the orders impugned.
6. The learned counsel for the petitioner could not convince the court as to why the remedy of appeal available in terms of Section 11 of the Land Revenue Act has not been availed by the petitioner.
7. Since the petitioner has a statutory remedy of appeal available with him to question the impugned orders, the same cannot be scuttled only because the petitioner did not opt for it.
8. Having said that, the instant petition is disposed of with an observation that petitioner may file an appeal in terms of Section 11 of Land Revenue Act against the orders impugned notwithstanding the delay that has occasioned during the interregnum which shall be deemed to have been condoned.
9. Disposed of on the above lines.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:
13.11.2026
"*Misba*"