Serial No. 41
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM No. 7207/2026 In
WP(C) No. 2631/2026
CM No. 7208/2026

Inhabitants of Village Nooripora, Baramulla ...Petitioner(s)

Through:
Mr. Syed Avees Geelani, Advocate.

V/s.

Union Territory of J & K and Ors ...Respondent(s)

Through:
Mr. Bikramdeep Singh, Dy. AG

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

ORDER
21.10.2026

WP(C) No. 2631/2026: CM No. 7208/2026

01. The instant petition has been preferred by the petitioners, who claim to be the inhabitants of village Nooripora, Pattan, District Baramulla and who vide resolution adopted on 05.10.2026, have authorized the petitioners to file the instant petition in a representative capacity on behalf of the inhabitants of said village.

02. It is the specific case of the petitioners that, as per the revenue record of village Nooripora, Pattan, District Baramulla, there are 17 Kanals and 04 Marlas of Kahcharai land falling under Survey No. 1932-min, which is reserved for grazing purposes and other community benefits of village Nooripora.

03. It is further the case of the petitioners that, out of the said patch of Kahcharai land, sanction for transfer of 04 Kanals and 12 Marlas was already accorded for the construction of a Public Health Centre in village Nooripora in terms of Government Order No. Rev (s) 131 of 2014 dated 13.06.2014, read with the corrigendum to the said Government Order.

04. The said Government Order dated 13.06.2014, along with the corrigendum, is the subject matter of challenge before this Court in a writ petition bearing OWP No. 100/2016 titled Ghulam Mustafa Dar v. State & Ors which is pending adjudication, wherein, this Court by

virtue of order dated 02.02.2016, has directed the parties to maintain status quo.

05. The learned counsel for the petitioners submits that as already mentioned that there are a total of 17 Kanals and 04 Marlas of Kahcharai land falling under Survey No. 1932-min at village Nooripora, reserved for grazing purposes and other community benefits, out of which 04 Kanals and 12 Marlas stand already allocated to the Public Health Centre, Nooripora, Pattan, District Baramulla, leaving only 12 Kanals and 12 Marlas of land for Kahcharai purposes.

06. The grievance of the petitioners projected in the instant petition is that the Police Department being the indenting department, proposes to transfer 5 Kanals and 19 Marlas of land for the construction of the SDPO Office for District Budgam, leaving only 06 Kanals and 13 Marlas of land. Therefore, according to the learned counsel for the petitioners, the said move by the respondents is illegal, unconstitutional and contrary to the law of the land and if the said proposal is brought to its logical conclusion, the inhabitants of village Nooripora would be left only with 06 Kanals and 13 Marlas of land for grazing purposes, which is very insufficient.

07. Feeling aggrieved by the proposed action on the part of the respondents, the inhabitants of village Nooripora filed a detailed representation in this regard on 10.08.2026 before the Divisional Commissioner, Kashmir, against the proposal to transfer the said Mehfooz Kahcharai land to the indenting department. However, according to the learned counsel for the petitioners, the said representation has, till date, not been considered. Feeling aggrieved thereby, the petitioners have filed the instant petition.

08. In addition, the petitioners are aggrieved by the issuance of a communication dated 02.09.2026, whereby the Assistant Commissioner Revenue, Baramulla, requested the Assistant Commissioner Development, Baramulla, to consider the request of the indenting department, which vide communication dated 14.07.2026, had placed an indent for land measuring 05 Kanals and 19 Marlas, bearing Survey No. 1932-min, situated at village Nooripora and recorded as Shamilat Deh Mehfooz Kahcharai. Accordingly, a request was made to the

Assistant Commissioner Development, Baramulla, to provide NOC for the aforementioned land with a view to proceeding further in the matter. Feeling aggrieved thereby, the petitioners state that they have also filed detailed objections to the said communication.

09. The instant writ petition has been preferred by the inhabitants of village Nooripora, in a representative capacity. A proposal has been mooted to transfer 05 Kanals and 19 Marlas out of the land in question in favour of the Police Department for construction of the SDPO Office, Magam, District Budgam, which, according to the petitioners, is arbitrary, unreasonable and contrary to public interest, given that the said land falls within the revenue jurisdiction of District Baramulla, whereas the proposed SDPO Office falls within the jurisdiction of District Budgam.

10. It is the specific case of the petitioners that Kahcharai land falling within the jurisdiction of one district cannot be converted or diverted for use within the jurisdiction of another district and, therefore, the proposal mooted by the Government is legally flawed.

11. In addition, it is the specific case of the petitioners that Section 133-BB of the Land Revenue Act specifically protects grazing land for community purposes and, therefore, on this ground also, the action of the respondents in issuing the aforesaid communication cannot withstand the test of law. For facility of reference, Section 133-BB of the Act is reproduced as under:

> *"133-BB. Restriction on use of grazing land, etc. and prohibition on transfer.—(1) The land which is in the form of grazing land, arak, kap or kahi-krisham or which grows fuel or fodder and belongs to such class as is notified by the Government shall not be used for any other purpose except with the permission of the District Collector, who shall accord permission only in accordance with the regulations notified by the Board:*
>
> *Provided that such permission shall be deemed to be accorded where land is being acquired permanently or hired temporarily for public purposes under the relevant Act:*

Provided further that the transfer of such land or any interest therein shall not be permissible and no documents relating to the transfer of such land shall be admitted to registration.

(2) The Board shall be competent to notify regulations for the purposes of this section."

12. From a bare perusal of the communication dated 02.09.2026, which is impugned in the present petition, it is apparent that a request has been made by the Assistant Commissioner (Revenue), Baramulla, on behalf of the Deputy Commissioner, Baramulla, to the Assistant Commissioner Development, Baramulla, to issue No Objection Certificate for the land in question with a view to proceed further in the matter. The said NOC has, till date, not been issued, which could have given a justifiable cause to the petitioners to approach this Court through the medium of the instant petition.

13. The petitioners, without waiting for the outcome of the said communication or for that matter, the issuance of the NOC, have approached this Court prematurely. Therefore, in the absence of accrual of any cause of action, the writ petition is not maintainable at this stage.

14. After arguing for a while, when the learned counsel for the petitioners was confronted with the maintainability of the instant writ petition, he submits that the petitioners would feel satisfied, if the present writ petition is disposed at this stage with a direction to the respondent No.3-Divisional Commissioner, Kashmir, to accord consideration to the representation of the petitioners alleged to have been filed before him on 10.08.2026, within some reasonable timeframe.

15. On the asking of the Court, Mr. Bikramdeep Singh, learned Deputy Advocate General enters appearance on behalf of respondents and is not averse to the disposal of the instant writ petition at this stage. However, he submits that the representation of the petitioners would be considered in accordance with the rules and as per law governing the subject.

16. ***Heard learned counsel for the parties at length and perused the material on record.***

17. With the consent of the learned counsel for the parties, the present writ petition is taken up for final disposal at the very threshold as an innocuous prayer has been made by the learned counsel for the petitioners and the same is accordingly disposed of with a direction to the respondent No.3-Divisional Commissioner, Kashmir, to accord due consideration to the representation stated to have been filed by the petitioners on 10.08.2026, which has been placed on record as Annexure-V, within a period of four weeks from the date of receipt of copy of this order along with copy of writ petition and the annexures appended thereto, strictly in accordance with the law governing the subject.

18. Needless to say, if the respondent No. 3 intends to hear the petitioners personally, in the eventuality an opportunity of being heard may be provided to the petitioners and other stakeholders who, may have a bearing on such decision-making process. In that eventuality, the petitioners shall be at liberty to produce the requisite documents, if required, with a view to advancing their case.

19. Before parting, this Court would like to clarify that no opinion on the merits of the case has been expressed by this Court, as the matter has been left to the competent authority to be decided in accordance with law, subject to production of documents by the petitioners, if required.

20. The writ petition is ***disposed of*** along with connected CM(s) in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
21.10.2026
"Hamid"

Abdul Hamid Bhat
I attest to the accuracy and
authenticity of this
document