Serial No. 50
Regular Cause list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CCP(S) 450/2024 in [WP(C) 2541/2021]

SAJAD AHMAD DAR AND ANR. **…Appellant(s)/Petitioner(s)**

Through: None

Vs.

MR.VIJAY KUMAR BIDHURI (DIVISIONAL COMMISSIONER KASHMIR, SGR) AND ORS **...Respondent(s)**

Through: Mr. Mohd Younis, AC vice
Mr. Mohsin Qadri, Sr. AAG

CORAM:

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

ORDER

03.11.2026

1. By this petition, petitioners herein have alleged non-compliance of the judgment dated 05.12.2023, wherein it was directed as under:

   "05. In view of the facts and circumstances of the case, this petition is disposed of in the following manner:-

   i. *The impugned order is set-aside and the matter is remanded back to the Divisional Commissioner, Kashmir, for proceeding strictly in accordance with Section 94 & 95 of the Land Revenue Act.*
   ii. *The Divisional Commissioner, Kashmir shall be at liberty to take note of the demarcation conducted by the revenue authorities pursuant to the order of this court dated 14th February, 2023 and consider the same in the light of the objections filed thereto by the petitioners.*
   iii. *The Divisional Commissioner, if he feels appropriate, may appoint a fresh demarcation committee to conduct the demarcation so that the lands claimed by both the side are properly identified and the parties put in possession of their respective lands.*
   iv. *This Court hopes and trust that the entire exercise shall be done by the Divisional Commissioner, Kashmir, within a period of one month from the date a copy of this order is served upon him.*

2. Compliance report stands filed, wherein it is stated as under:

   "3. That in response to the aforesaid directions of Divisional Commissioner Kashmir, the petitioner was summoned from time to time by this office (respondent no.2) to remain present on spot so that the aforesaid court order could be implemented in letter and spirit. However, despite repeated summons, the petitioner did not cause his presence onspot.

4. That on 04-11-2024, a team of revenue officers/ officials proceeded on spot at Bulbul Bagh Barzulla alongwith the SHO police station Sadder for demarcation of land in presence of both the parties who were present on spot alongwith their sale deeds. Since the Aksi-Latha of the said village is not available, therefore the said demarcation measurement was carried out by using measuring tape. The matter pertains to the two-survey no's. viz. 1504/120Min comprising of land measuring 09Kanal-04Malras and 1435/650/11Min comprising of 02Kanal-11Marals. Furthermore, land measuring 02 Kanals falling under survey No.1504/120 has been obtained by Sajad Ahmad Dar by way of sale deed and mutated vide mutation No. 3121 out of which Sajad Ahmad Dar has sold out 01 Kanal falling under survey No.1504/120 in favour of Fareeda Bakshi. Similarly in survey No.1435/650/116Min, Sajad Ahmad Dar and Talib Hussain Dar sons of Mohammad Jabar Dar has equally obtained land measuring 02 Kanals by way of sale deed and mutated vide mutation No.2936. Out of which Sajad Ahmad Dar has sold out 01 Kanal-02Marlas and similarly Talib Hussain Dar sold out 10 Marlas of land. Thus, no land remains in the name of Sajad Ahmad Dar and 08Marlas of land remains in the name of Talib Hussain Dar falling under survey No.1435/60/116Min.

Moreover, land measuring 04 Marlas-36 Sfts has utilized by Sajad Ahmad Dar for ingress and egress (common road). After the deduction of land sold out by Sajad Ahmad Dar and the land utilized for ingress and egress, only land remains 15 Marlas-240 Sfts in the name of Sajad Ahmad Dar but Sajad Ahmad Dar having total possession of land measuring 01 Kanal-11 Marlas and 255 Sfts and the same way Talib Hussain Dar is having possession of 10 Marlas instead of 08 Marlas that remains in his name after deduction of land sold by him. The report also reveals that after perusal of sale deed of Neha Ayaz and site plan enclosed with the sale deed which the then patwari had prepared clearly shows that the plot of Neha Ayaz is between the two plots of Sajad Ahmad Dar which is presently being occupied by Sajad Ahmad Dar alongwith residential house."

3. The respondents, in compliance with the directions passed by this Hon'ble Court, have undertaken the requisite exercise and acted in furtherance of the order. It is submitted that, pursuant to the directions issued by the Divisional Commissioner, Kashmir, the petitioner was repeatedly summoned to remain present on spot to facilitate the implementation of the Court's order. However, despite repeated

summons, the petitioner failed to appear. Nevertheless, on 04.11.2024, a team of revenue officers/officials, accompanied by the SHO, Police Station Sadder, proceeded to the spot at Bulbul Bagh, Barzulla, for conducting demarcation of the land in question.

4. Respondents have complied with the order dated 05.12.2023 in its letter and spirit.
5. Accordingly, the contempt proceedings are closed.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:
03.11.2026
"*Adil Ismail*"

HIGH COURT
JAMMU & KASHMIR AND LADAKH