Serial No.16
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

LPA 287/2025

ABDUL RASHID SHEIKH AND ORS ...APPELLANT(S)

Through:
Mr. Parvaiz Ahmad Wani, Advocate

V/s.

UT OF J&K AND ORS. ...RESPONDENT(S)

Through:
Mr. S.A. Qadri, Advocate for R-4

CORAM:
HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER
23.11.2026

01. Impugned in this intra-Court appeal filed under Clause 12 of the Lettes Patent, is an order and judgment dated 28th October, 2025 passed by the learned Single Judge of this Court ["the writ Court"] in WP(C) No. 2591/2025 titled "*Abdul Rashid Sheikh and others Vs. UT of JK & Ors.*", whereby the writ petition filed by the appellants has been dismissed being hit by delay and latches.

02. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the writ Court is not in consonance with the law and, therefore, needs to be interfered with.

03. Admittedly, the mutation No. 1024 attested under Section 4 of the Jammu and Kashmir Agrarian Reforms Act is

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without any date and, therefore, is prima facie a doubtful document. The mutation No. 1033 dated 23rd December, 1986, attested by the Tehsildar Agrarian, Kulgam under Section 8 of the Jammu and Kashmir Agrarian Reforms Act was attested at the back of the appellants, who are admittedly the owner of the subject land.

04. Needless to say that the mutations attested in favour of respondent No. 4 under Sections 4 and 8 of the Jammu and Kashmir Agrarian Reforms Act have the effect of depriving the appellants of their rights in the property. The appellants were, therefore, necessary parties to the mutation proceedings and had a right to be heard. Since the mutations were attested in ex-parte and at the back of the appellants and, therefore, the appellants may have come to know about the mutations later in point of time.

05. In view of the aforesaid position, the writ court ought not to have taken constricted view of the matter and dismissed the writ petition without adjudicating the controversy on its merits

06. For all these reasons, we find merit in this appeal and the same is, accordingly, allowed. The impugned order and judgment dated 28.10.2025 is set aside.

07. Let the writ petition come up before the writ Court for consideration on merit. We, however, make it clear that nothing said by us in this appeal shall be construed as an expression of opinion on the merits of the controversy. Needless to say that the

HIGH COURT
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respondent No. 4 shall have right to file objections before the learned writ Court.

08. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
23.11.2026
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HIGH COURT
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