

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) 5/2024 CM(26/2024) CM(27/2024)

INHABITANTS OF VILLAGE WAKURA THROUGH ALI
MOHAMMAD RATHER AND ORS

...Petitioner(s)

Through: Mr. G. M. Bhat, Advocate.

Vs.

SYED YASMEEN AND ORS

...Respondent(s)

Through:

CORAM:

HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE

ORDER

31.01.2024

This case brings out a very disturbing state of adjudication relatable to a purported award dated 06.12.2014 of the National Lok Adalat Ganderbal when the respondent no. 1 Sayed Yasmeen steps up a declaration claiming as being owner of land measuring 147 kanals 4 marlas in khasra nos 495/405 min, 406 min and 317 of village Rakhi Raitar, tehsil Lar, District Ganderbal and gets an award declaring her to be the owner in possession of said land on the purported admission of private respondent, who figured as defendant no. 6 in the array of respondents/defendants which included the State of J&K, the Deputy Commissioner Ganderbal, the Tehsildar Lar, the Naib Tehsildar Wakoora Ganderbal and the Patwari Halqa Rakhi Rabitar.

The impugned award dated 06.12.2014 passed by the National Lok Adalat, Ganderbal is now being questioned whereby the respondent no. 1 Sayeda Yasmeen D/o Peer Mohammad Latif is favoured with said declaration declaring her ownership and possession.

This award became subject matter of challenge in a civil suit on file no. 12/2015 instituted on 11.05.2015 by the Inhabitants of village Wakoora District Ganderbal. The suit was filed before the Additional District Judge, Ganderbal but came to be dismissed by a judgement dated 02.05.2023 holding the suit not maintainable viz-a-viz National Lok Adalat award.

The persons, who had instituted the civil suit in the name of the Inhabitants of village Wakoora, by maintaining the same status have come forward with the present petition under article 227 of the Constitution of India for seeking the examination of legality and validity of said National Lok Adalat award.

This Court takes suo-moto cognizance and treats this petition under Article 226 of the Constitution of India considering the nature of matter involved.

Prima-facie case is made out.

Registry to diarize this petition under Article 226 of the Constitution being filed in a representative capacity for which an application CM no. 26/2024 is maintained and same is allowed.

Issue notice to the respondents.

Send for the record of the National Lok Adalat Ganderbal passed in case titled as “Syeeda Yasmeen Vs. State and Ors”. disposed on 06.12.2014.

Learned counsel for the petitioner is directed to place on record the copy of civil suit filed by respondent 1-Syeda Yasmeen against the State of J&K which was pending before it came to be referred to the National Lok Adalat Ganderbal for settlement or in alternate to furnish requisite information with respect to suit to the court before which filed, before the Registrar Judicial, Srinagar, within a period of one week whereupon the Registrar Judicial, Srinagar, to summon the record of the said suit file by or before the next date of hearing.

Mr. Mohsin Qadri, learned Sr. AAG, accepts notice on behalf of respondents 3 to 7 and is directed to produce full status-report with respect to land status by or before the next date of hearing.

Requisite postal covers within one week, whereupon the Registrar Judicial, Srinagar, to issue notice to private respondents.

Learned counsel for the petitioner to provide a copy of petition to Mr. Mohsin Qadri, Sr. AAG.

List on 12.02.2024.

(RAHUL BHARTI)
JUDGE

SRINAGAR

31.01.2024

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