

IN HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 105/2025
CM No. 231/2025

Ghulam Hassan Shergojri and Ors.

...Petitioner(s)

Through: Mr. Umar Rashid Wani, Adv.

Vs.

UT of JK and Ors.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER
17.01.2025

Issue notice to the respondents in the main petition as well as in the interim application returnable within four weeks for filing their objections/reply.

Heard learned counsel for the petitioners, Mr. Umar Rashid, who submitted that petitioners are the lawful owners in possession of land measuring 5 Kanlas 17 Marlas falling under Survey No. 167 (New), 107 (Old) situated at revenue Estate Gulabbagh, Mansbal, Tehsil Lar, District Ganderbal and the said land recorded as *Shamilati Deh* under Section 5, is at par with the proprietary land. He submitted that since the subject land is situated at the bank of the Mansbal Lake, as such, the respondents, especially, the respondent no. 3 with his evil intention, has been unnecessarily causing interference with the same with a motive to dispossess the petitioners of the same in illegal manner. He submitted that in case the respondents

are not restrained to interfere with the same, the petitioners shall suffer irreparable loss and their valuable rights viz-a-viz the subject land shall be illegally taken away from them. Perused the interim application, which is supported by a duly sworn affidavit. Also perused the main petition and the copies of documents enclosed with the same, especially, the revenue extracts viz-a-viz the subject land. A prima facie ground is made out in the opinion of the court for grant of interim relief.

List again on 17th March, 2025.

In the meantime, subject to any vacation or modification upon the consideration of objections and till further orders from this Court, the respondents are restrained to interfere with the subject land except after initiating the acquisition process and in accordance with the provisions of the Land Acquisition Act invogue i.e., Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR:
17.01.2025
"Shamim Dar"