

Serial No. 5
Regular List

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

WP(C) No. 182/2026

Khem Lata Ganjoo

..... Appellant/petitioner(s)

Through: -
Mr. Sumir Pandita, Advocate

V/S

UT of J&K and Ors.

..... Respondent(s)

Through: -
Mr. F. N. Shah, GA

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)

09.02.2026

01. The petitioner's claim to have purchased a piece of land measuring 01 Kanal, covered under Survey No. 1525/1009/241, Khewat No. 830 and Khata No. 1088, situated at Indra Nagar Mouza Sonwar, Tehsil South, District Srinagar. It is case of the petitioner that in the year 1990, she along with her family members were forced to migrate from the valley due to threat perception of the militants leaving, behind her house and hearths.
2. Allegation of the petitioner is that some unauthorized occupants are trying to occupy the property of the portioner and have parked their vehicles on the said land, by taking undue advantage of her absence and migration have encroached upon her aforesaid landed estate left behind in the valley, and, when she came to know about it, she made a detailed representation to the District Magistrate, Srinagar, for the protection of her property in terms of Jammu & Kashmir Migrant Immovable (Preservation, Protection and Restrain on Distress Sales) Act 1997. The grievance of the petitioner is that District Magistrate

Srinagar, has not accorded any consideration to her representation till date.

3. It is trite position of law that right to hold property, recognized under Article 300 A of the Constitution of India, is a basic human right, which is akin to a fundamental right and nobody can be deprived of his/her property otherwise than in due course of law.
4. Therefore, in view of limited nature of controversy, the present petition is disposed of with a direction to respondent No. 3-District Magistrate, Srinagar, to accord consideration to the representation filed by the petitioner in accordance with law within a period of six weeks from the date a copy of this order along with copy of the writ petition and annexures is made available to him.
5. Disposed of along with connected CM(s).

SRINAGAR
09.02.2026
"Mohammad Yasin Dar"

(MOKSHA KHAJURIA KAZMI)
JUDGE

