

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

WP (C) 332/2025
CM 773/2025
Cav. 0327/2025

GULZAR AHMAD DAR AND ANR.

...Petitioner(s)/Appellant(s)

Through: Mr.Shuja Ul Haq, Advocate

Vs.

UT OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Mehraj Ud Din Sofi, Advocate for Caveators

CORAM:HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

20-02-2025

1. A mutation No. 786 dated 09-04-2015 of village Hathlongoo Dangerpora Sopore was challenged in an appeal on file No. ADC/Spr/App/2023/42 dated 06-10-2023 before the Additional Deputy Commissioner, Sopore by Mst. Rubeena, the respondent No. 6 herein.
2. In this appeal, the petitioner No. 1-Gulzar Ahmad Dar, figured as respondent No.1 co-joined by three other respondents namely Habla Begum, Haseena, and Mehmooda.
3. It is pertinent to observe here that the appellant-Rubeena and the respondents above named are all the successors-in-interest of one Lassi Dar with respect to

whose estate the succession was an issue amongst his legal heirs.

4. On the basis of a mutual consensus which is said to have taken place between the appellant-Rubeena and the respondents in the said appeal, the appellate authority of the Additional Deputy Commissioner, Sopore came to set aside the said mutation with a direction to the Tehsildar Dangerpora to attest mutation afresh as per the compromise made by the parties. The appeal came to be disposed of in terms of an order dated 30-11-2023.

5. The compromise adverted to in the order dated 30-11-2023 only settled share wise entitlement of the parties to the dispute but not actual identification as how the land in question is to be apportioned. The remand direction so given by the Additional Deputy Commissioner, Sopore seems to have landed in an altogether different mould before the Tehsildar Dangerpora, who seems to have delegated the matter to the Naib Tehsildar, Botingoo who in turn became a *suo moto* authority to decide as to how the physical apportionment of the land in dispute is to take place that too acting *ex parte* and thus came forward with a

certificate No. 176/NTB dated 04-07-2024 by purportedly referring to handing over and taking over the possession of the land on spot and distributing it to the beneficiaries..

6. Against this exercise, the petitioner No. 1 joined by his mother Fatima Begum widow of Lassi Dar challenged the matter before the Financial Commissioner (Revenue) J&K and also before the Divisional Commissioner, Kashmir only to suffer frustration of adjudication by rejection of the revision and that is how the order dated 06-02-2025 passed by the Financial Commissioner (Revenue), J&K is now being assailed through the medium of this writ petition by the two petitioners as being aggrieved.

7. *Prima facie*, case is made out.

8. Issue notice only to the respondent No. 6 and 7 being the private contesting respondents.

9. The respondents No. 6 and 7 are on caveat as such, notice accepted on behalf of the respondent No. 6 and 7/Caveators.

10. Caveat stands discharged.

11. Learned counsel for the respondent No. 6 and 7 seeks time to file the response/reply.

12. Let the response/reply be filed within a period of four weeks.
13. Send for the record of file No. 623/FC-AP titled **“Gulzar Ahmad Dar and Anr. v/s Divisional Commissioner Kashmir and ors.”** read with record of file No.ADC/SPR/APP/2023/42 dated 06-10-2023 titled **“ Mst. Rubeena v/s Gulzar Ahmad Dar”** from the office of Additional Deputy Commissioner, Sopore. In addition, the record of file No.176/NTB dated 04-07-2024 be also sent for from the office of Naib Tehsildar, Botingoo.
14. List on 2nd April, 2025.
15. In the meantime, operation of impugned order dated 06-02-2025 passed by Financial Commissioner(Revenue) J&K on file No. 623/FC-AP read with order No.176/NTB dated 04-07-2024 of Naib Tehsildar, Botingoo, shall remain stayed and status quo be maintained on spot.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
20-02-2025
Mubashir