

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

**WP(C) 748/2026
CM(1909/2026)**

Rafiq Bano and Anr.

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

Through: -

Mr. Mir Majid Bashir, Advocate with
Ms. Umiya Zehra, Advocate.

V/s

Union Territory of J&K and Ors.

... Respondent(s)

Through:-

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE.

(ORDER)

15.04.2026

Petitioners through the medium of this petition are assailing the Communications dated 18th of March, 2026 made by the office of Divisional Commissioner, Kashmir to The Deputy Commissioner, Shopian and dated 23rd of March, 2026 made by the Deputy Commissioner, Shopian to the Tehsildar, Shopian, on an application moved by respondent No. 6- Chaman Lal Raina regarding eviction of illegal occupation of migrant property encroached by Mohd Iqbal Baba and others measuring 11 marlas, under Survey No. 493 assailing that the respondents have been proposing to evict the petitioners from the land in question without following the procedure as prescribed in terms of the Jammu and Kashmir Migrant Immovable property (Preservation, Protection and Restrain on Distress Sales) Act, 1997.

Heard.

Issue notice to the respondents returnable within a period of four weeks.

List on **30th of May, 2026.**

In the meanwhile, subject to objections, from the other side and till next date of hearing before the Bench, it is provided that the petitioner as successor in interest of Mr. Mohd Iqbal Baba shall not be dispossessed from the land in question without following due course as prescribed under the aforesaid Act.

(M. A. CHOWDHARY)

JUDGE

SRINAGAR

April 15th, 2026

"Shoaib javid"

