

S. No. 120
Supplementary list 1

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

WP(C) 792/2022
CM 1958/2022

Abdul Majeed Mandoo

...Petitioner(s)

Through: Mr. Aftab Ahmad, Adv.

Vs.

U.T of J&K and Ors.

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER
20.04.2022

The short grievance projected by the petitioner in this petition is that the Divisional Commissioner Kashmir, who was seized of an application filed by respondent No. 6, seeking compensation and eviction of the petitioner from the landed property of the respondent No. 6, passed an order on 4th January, 2022, directing the District Magistrate Anantnag to become party in a civil suit pending between the respondent no. 6 and his power of attorney holder namely Shri, Tariq Hussain Nath. But while issuing the aforesaid direction, the Divisional Commissioner also made certain observations which run counter to the judgment of Financial Commissioner dated 11th September, 2013, passed in an appeal titled as *Abdul Majeed Mandoo Vs. Somawati and Anr.* It is the contention of the learned counsel for the petitioner, that the dispute between the petitioner and respondent No. 6 with regard to subject shops being a migrant property has already been set at rest by the Financial Commissioner and which order of the Financial Commissioner has been upheld by this Court.

Heard the learned counsel for the petitioner and perused the material on record.

Issue notice to the respondents returnable within four weeks.

Requisite steps for service within two weeks.

List on 29.07.2022.

In the meanwhile, adverse observations made by the Divisional Commissioner, Kashmir, in the impugned order dated 04.01.2022, against the petitioner shall not be acted upon or used before any forum and petitioner shall be free to project his defense as if there are no such adverse observations made against him in the impugned order.

(SANJEEV KUMAR)
JUDGE

SRINAGAR
20.04.2022
“Mir Arif”