

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

**WP(C) 834/2026
CM(2147/2026)**

Ashok Razdan, aged 62 years

S/O Arjun Nath Razdan

R/O Repora, Tehsil Chadoora,

District Budgam J&K India.

A/P Plot No. 107A flat No. M-1-A

Shalimar Garden, Extension 2

Shahidabad Ghaziabad, Uttar Pradesh, India.

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

Through: -

Mr. Amir Latoo, Advocate.

V/s

01. Union Territory of Jammu and Kashmir

through Commissioner/ Secretary to

Govt. Revenue Department Civil

Secretrait Jammu/ Srinagar.

02. Divisional Commissioner Kashmir at Srinagar.

03. District Magistrate Budgam.

04. Tehsildar Chadoora Budgam.

... Respondent(s)

Through:-

CORAM:

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

(ORDER)

22.04.2026

01. Petitioner, through the medium of this petition, asserts that he is the owner of an immovable property measuring 05 Kanals and 01 Marlas, under Survey No. 419 (old) Survey No. 210, 211, 216, 217, (new) Khatta No. 397, situated at Repora Namthal, Chadoora Budgam, however, due to unprecedented disruption in Kashmir Valley, a large section of society migrated out of Kashmir Valley along with their family members for security reasons and settled in Jammu, including the petitioner herein, leaving behind their immovable properties.

02. It has been alleged that in the year 2015, petitioner came to know that the said land of the petitioner has been encroached by some locals, as such, the petitioner approached respondent No. 3 by virtue of an application, in terms of The J&K Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 for protection of the subject land.

03. Finally, the Tehsildar Chadoora attached the encroached migrant property of village Repora Namthal, Chadoora Budgam, in the month of January, 2024 and kept his land measuring 05 Kanals and 01 Marlas, on the Supardnama of the local Lumberdar, namely, Mr. Naseer Ahmad Bhat and the illegal occupants were directed not to indulge in further encroachment of the said land.

04. The petitioner has raised the grievance that after removal of the encroachment from his property, the same has not been restored to him despite several requests and hence, this petition for direction to the respondents to restore the possession of the land in question to the petitioner.

05. The J&K Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 provides a complete scheme as to how the encroached land of the migrants is to be retrieved and restored. Since, the Tehsildar Chadoora vide its Communication No. DCQ/SQ/2022/Mig/2714 dated 14 of February, 2022 has reported that the land has been retrieved and kept on the Supardnama of the local Lumberdar, as such, the respondents are under an obligation to proceed further in the matter to restore the land to the petitioner, as migrant being owner thereof.

06. In view of the limited controversy, this petition does not require any further consideration and, as such, the petition is **disposed** of at this motion stage, with a direction to the respondents to proceed in the matter under the

scheme of the Act of 1997 for restoration of the land of the petitioner in accordance with law. The exercise shall be concluded expeditiously, preferably within a period of six months.

07. The petition is, thus, **disposed** of along with all pending applications.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR

April 22nd, 2026

"Shoaib Javid"

