

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

WP(C)/980/2026 CM/2568/2026

1. **Mohd. Shaban** (70 years)
S/O: Abdul Aziz Wagav,
R/O: Sedow, Shopian
2. **Mohd: Ayoub**, (60 years)
S/O: Abdul Aziz Wagay,
R/O: Sedow, Shopian
3. **Hilal Ahmad**, (34 years)
S/O: Mohd Ayoub Wagay,
R/O: Sedow; Shopian

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

Through: -

Mr. Mir Majid Bashir, Advocate.

V/s

1. **Union Territory of Jammu and Kashmir**,
Through Commissioner Secretary to Government,
Department of Forests, Ecology and Environment,
Civil Secretariat, Srinagar.
2. **Deputy Commissioner, Shopian**
3. **Wildlife Warden, Hirpora**
Wildlife Sanctuary, Shopian
4. **Senior Superintendent of Police,**
Shopian
5. **Range Office, Department of**
Wildlife Protection, Shopian.
6. **Tehsildas, Shopian.**
7. **Officer In-charge, Army Camp,**
Sedow Shopian.
8. **Abdul Gaffar Wagay,**
S/O: Mushtaq Ahmad Wagay,
R/O: Kanipora, Shopian.
9. **Farooq Ahmad Wagay,**
S/O: Mushtaq Ahmad Wagay,
R/O: Kanipora, Shopian.
10. **Mushtaq Ahmad Wagay,**
S/O: Mushtaq Ahmad Wagay,
R/O: Kanipora, Shopian.

... Respondent(s)

Through:-

CORAM:

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

(ORDER)

06.05.2026

01. Petitioners, through the medium of this petition, under Article 226 of the Constitution of India seek setting aside of the Communication No.

TS/OQ/25-26/1142, dated 6th of October, 2025 of Tehsildar Shopian and Letter No. HWLS-2026/51-53 dated 30th of March, 2026 of Range Officer PP Range Hirpora addressed to officer In-charge Army Camp Shopian, whereby the entry of the petitioners, pursuant to a complaint against the illegal encroachment of Behak Rajawali Pathri Rainura, Hirpora Wild Life Sanctuary under the control and command of Department of Wild Life Protection, of the Government of Jammu and Kashmir.

02. Learned counsel for the petitioners submits that the petitioners from the time of their predecessors, for about a hundred years, have been exercising their seasonal grazing rights in the area, as such, they are entitled to same. However, by virtue of the impugned Communication made by the Tehsildar Shopian to the Deputy Commissioner Shopian and Letter made by Range Officer PP Range Hirpora to the Officer In-charge Army Camp Shopian, with regard to the regulation of movement of graziers inside Hirpora Wild Life Sanctuary, the petitioners have been excluded and debarred.

03. Learned counsel for the petitioners argued that the Tehsildar Shopian had no jurisdiction to pass such an order and the Range Officer PP Range Hirpora had also no right to enforce the order through the Army deployed in the area, as such, the petition has been moved to seek quashment of both these communications and further submits that with regard to the grazing rights or any other dispute in the Wild Life Sanctuary, the appointed Collector is the appropriate authority to investigate and decide the rights of the parties as provided under Section 19 and for eviction it is the Assistant Conservator of Forests who is the competent authority to evict and remove encroachment as provided under Section 34-A of the Wild life (Protection) Act, 1972.

04. Heard.

05. Since, the petitioners have raised the dispute with regard to the seasonal grazing rights in the Hirpora Wild Life Sanctuary, instead of approaching this Court, it was in the interest of justice that the petitioners should have approached the statutory authority of the Collector for redressal of their grievances as provided under law and it appears that the Tehsildar as Executive Magistrate has exercised the powers to order restricting the entry of the petitioners to the area based on a Joint Committee Inspection way back in September, 2025, in view of the dispute between the parties and to regulate and ensure that no breach of peace takes place in the concerned area.

08. Thus, in view of the availability of an alternate and efficacious statutory remedy, and having regard to the nature of claims raised by the petitioners, the petition is **disposed** of with a direction to the petitioners to approach the statutory authority of the Collector in terms of Wild Life (Protection) Act, 1972 and the Collector concerned is directed to consider the plea raised by the petitioners for determination of their rights with regard to the grazing rights in the Wild Life Sanctuary.

08. The petition is, accordingly, **Disposed** of at this motion stage along with all pending application(s).

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
May 6th, 2026
"Shoaib Javid"