

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

CM(2654/2026) in WP(C) 1015/2026

**Inhabitants of village Ohangam Tehsil
Beerwah Budgam through**

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

- 1. Abdul Gaffar Wani (71 Years)
S/O Mohd Wani**
- 2. Gh. Mohammad Wani (51 Years)
S/O Abdul Gaffar Wani**
- 3. Fayaz Ahmad Wani (30 years)
S/O Abdul Rehman Wani
All residents of Village Ohangam,
Tehsil Beerwah, District Budgam, J&K**

Through: Mr. Shabir Ahmad Najar, Advocate

Vs.

- 1. Union Territory of J&K, through
Commissioner/Secretary to Govt.
Department of Revenue,
Civil Secretariat, Srinagar/Jammu**
- 2. Deputy Commissioner, Budgam**
- 3. Sub-Divisional Magistrate, Beerwah**
- 4. Tehsildar, Beerwah, Budgam**
- 5. Block Development Officer, Rathsun,**
- 6. Executive Engineer,
Rural Engineering
District Budgam**
- 7. Abdul Gani Sheikh
S/O Ab Ahad Sheikh
R/O Chanthan Checkpora,
Beerwah, Budgam**

...Respondent(s)

Through: None

CORAM:

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

**ORDER
06.05.2026**

- Petitioners, in a representative capacity, have filed the present writ petition, seeking quashing of the Order No. XEN/REW/BUD/ 15342-45 dated 06.01.2026, issued by respondents, whereby, the work for the construction of Plastic Waste Management Unit PWMU (Cluster Unit) has been allotted to respondent No. 7, for execution at estate Rathsun. The Petitioners allege that, instead of carrying out the construction at Estate Rathsun, the respondents are undertaking the construction at Estate Ohangam. The Petitioners further seek a direction to the respondents to

restore the land comprising Survey No. 532-min (1195/532), situated at Estate Ohangam, Tehsil Beerwah, Budgam, for grazing purposes. Additionally, the Petitioners seek a direction upon the respondents to provide alternate land for construction of the Cluster Unit in the specified area, other than Estate Ohangam, Tehsil Beerwah, Budgam.

2. Learned counsel for the Petitioners argued that e-NIT No. 79 of 2025-26 was issued for construction of the PWMU (Cluster Unit) at Village, Panchayat and Block Rathsun and that, vide the impugned order dated 06.01.2026, the work was allotted to respondent No. 7, namely Ab Gani Sheikh, for construction of the said unit. It was further contended that, instead of constructing the unit on the identified land at Rathsun, the respondents are raising construction at another place, namely Estate Ohangam, which is stated to be common land used by the villagers of Ohangam for their own purposes. Learned counsel also referred to Circular dated 09.12.2010 issued by the Government of Jammu & Kashmir through the Financial Commissioner (Revenue), enjoining upon revenue officers not to process cases regarding the allotment or transfer of Kahcharie lands in future.
3. Upon consideration of the matter, it appears that the e-NIT was issued and the allotment pursuant thereto was made for construction of PWMU (Cluster Unit) being proposed at village, panchayat and block Rathsun. However, the petitioners seek quashment of the said order, alleging that the respondents have been raising construction at some other place of village Ohangam, which is claimed to be common land used by the villagers. Thus, the petitioners seem to be confused with regard to their prayer of quashing the allotment order for the construction at Rathsun and at the same time allege that the construction was being raised in their village at Ohangam, Tehsil Beerwah. The petitioners could have approached the concerned officers, particularly, the senior officers of the department executing the construction of the PWMU (Cluster Unit), to ensure that the construction is carried out at the identified site in village Rathsun. They could also have approached the revenue authorities or the competent civil court for protection of their rights, if any, over the common land situated at Village Ohangam.
4. Since the present petition involves mixed questions of facts and law, this Court is of the considered opinion that the petition cannot be entertained

under writ jurisdiction, particularly when filed in a representative capacity. Accordingly, the petition is liable to be dismissed.

5. Petitioners shall, however, be at liberty to avail and pursue such other legal remedies as may be available to them under law.
6. The petition is, thus, **dismissed** in limine, along with application(s).

(M. A. CHOWDHARY)
JUDGE

SRINAGAR:

06.05.2026

“Adil Ismail”

