

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

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WP(C) 1693/2025
CM(4399/2025)

IMTIYAZ AHMAD SHAH AND ORS.

.....Petitioner(s)

Through:
*Mr. Zaffar Shah, Sr. Adv. with
Mr. Nissar Ahmad Bhat, Adv.*

Versus

GOVERNMENT OF J AND K TH.COMMR/SECY (REVENUE) AND ORS.

.....Respondent(s)

Through:
None

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
21.07.2025

1. Mr. Z. A. Shah, learned Sr. Counsel appearing for the petitioners has drawn attention of this court to the order passed by the Hon'ble Division Bench in LPA No. 42/2022 in a case preferred by the petitioners decided on 16.03.2022 by virtue of which the appeal preferred by the petitioners was disposed of in the following manner:

“In the above background and in continuation of the writ court order, we further direct the District Magistrate to undertake the exercise of demarcation of the land of appellants and that of respondents 10 and 11 in presence of the parties under his personal supervision. The District Magistrate Anantnag, shall ensure that on demarcation the possession of the land is handed over to the rightful owners as per their entitlement. The appeal is further allowed to the extent of setting aside of the imposing of costs on the appellants.”

2. From a bare perusal of the order mentioned supra, a duty was cast upon the concerned District Magistrate to have undertaken the

exercise of demarcation of the land of appellants therein (petitioners herein) and that of private respondents 10 and 11 herein in presence of the parties under his personal supervision.

3. By virtue of the aforesaid order/judgment, the concerned District Magistrate, Anantnag was under legal obligation qua the petitioners and private respondents to have ensured that pursuant to demarcation, the possession of the land was required to be handed over to the rightful owners as per their entitlement.
4. Mr. Z. A. Shah, learned Sr. Counsel appearing for the petitioners further submit that the aforesaid order/judgment till date has not been complied with, in its letter and spirit and instead pursuant to the representation filed by the private respondent namely Mr. Summeet Bali viz.a.viz the land measuring 7 Kanals and 4 Marlas under Khasra No. 309 which he claims his proprietary land situated at Mamal Pahalgam, has been forwarded by the Ministry of Environment Forest& Climate Change, Government of India to the department of Wild Life Protection. In the light of the said representation another Committee comprising of following officers for joint field verification, demarcation and delineation of the land in question vide order dated 15.04.2025has been constituted and placed on record in the instant petition.

S. No.	Name of the Officer/Official	Designation
1.	Sh. Saleem Ajaz Mughal	I/C Range Officer South Demarcation Range.
2.	Sh. Muzaffar Ahmad Bhat	Range Officer Srinagar Demarcation Range.

3.	Sh. Mohammad Ashraf Khan	Technical Officer to DFO Demarcation Kashmir.
4.	Sh. Mohd Shafi Ganaie	Forester.
5.	Sh. Hilal Ahmad Zaz	Forester.
6.	Sh. Mohd Ayoub Parray	Forester.
7	Sh. Farooq Ahmad Bhat	Forest Guard.

5. The said Committee has been called upon to verify and determine the legal boundaries and status of the land on the ground and prepare KML file and also to ascertain whether the land falls within the notified boundaries/Eco-sensitive zone of Overa Aru Wild Life Sanctuary.
6. Mr. Z. A. Shah, learned Sr. Counsel further submits that the constitution of the Committee at the instance of the Ministry of State for Forest, Environment & Climate Change, Government of India is not in tune with the order/judgment passed by the Hon'ble Division Bench and the concerned Deputy Commissioner instead of acting in furtherance of the aforesaid order/judgment, a new Committee has been constituted which is outside the purview and scope of the order/judgment passed the Division Bench.
7. He has also drawn the attention of this court to yet another order by way of a demarcation report dated 09.05.2025 issued by the Naib Tehsildar, Aishmuqam, by virtue of which the demarcation of the land falling under Survey No. 309 of estate Mamal Tehsil Pahalgam has been carried out in terms of the report by the local Lumberdar and Chowkidar, perusal of the record reveals that the private respondent namely Mr. Summeet Bali was never in possession of the land in question, although the said land has been

recorded in his name. The said report which is impugned in the present petition has been referred to Sub-Divisional Magistrate, Pahalgam for further necessary action.

8. Mr. Z. A. Shah, learned Sr. Counsel submits that the petitioners are not aware whether the so-called demarcation which finds mention in the aforesaid order is in conformity with the order/judgment passed by the Division Bench or else in pursuant to the direction issued by Ministry of State for Forest, Environment & Climate Change, Government of India.
9. Mr. Z. A. Shah, learned Sr. Counsel has also drawn the attention of this court to a representation preferred by the private respondents, a perusal whereof reveals that the said respondent has already made a request for compensation/grant of an alternate land *in lieu* of the ancestral land in designated wildlife area of Mamal Pahalgam, which is not the land in question and thus, the contents of the representation vindicates the stand of the petitioners.
10. Heard learned counsel for the petitioners at length and perused the record.
11. Issue notice, which is accepted by Mr. Alla ud Din, learned AAG on behalf of the official respondents 1 to 9.
12. Learned counsel for the petitioners to take steps for effecting service upon respondents 10 and 11 within one week. Subject to taking steps, Registry to issue notice to the said respondents.

13. With a view to proceed further in the matter, this court deems it proper to direct the respondent No. 3-Deputy Commissioner, Anantnag at the first instance to file action taken report in pursuant to the order/judgment passed by the Hon'ble Division Bench in LPA No. 42/2022 within a period of two weeks and let a detailed reply be also filed on behalf of the respondents.

14. In the meantime, subject to objections and till next date of hearing, status quo with respect to the land in question which exists as on date shall be maintained till next date of hearing before the Bench.

15. List on 08.09.2025.

(WASIM SADIQ NARGAL)
JUDGE

Srinagar
21.07.2025
"SAKEENA-PS"