

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

**WP(C) No. 2694/2024**

Assadullah Wani

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

Through: Mr. Mubashir Rabbani, Adv.

**Vs.**

UT of JK and Ors.

**...Respondent(s)**

Through:

**CORAM:**

**HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.**

**ORDER**

22.11.2024

The petitioner through the medium of instant petition has called in question the Order dated 4<sup>th</sup> November, 2024 passed by the respondent no. 3 on the execution application filed by the respondent no. 4. It has been urged by learned counsel for the petitioner that private respondent no. 4 has filed an application dated 29<sup>th</sup> November, 2023 for execution of the order dated 23<sup>rd</sup> March, 2001 before the Deputy Commissioner, Anantnag, which was later on assigned to the Additional Deputy Commissioner, Anantnag for disposal and pursuant thereto the Order dated 4<sup>th</sup> November, 2024 has been passed which is impugned in the instant petition. The further case set up by the petitioner in this petition is that an Order dated 27<sup>th</sup> March, 2001 passed by respondent no. 3 in an appeal filed by the private

respondent no. 4 against the mutation order dated 29<sup>th</sup> March, 1987 under Section 4 of Agrarian Reforms Act. The said order was assailed by the petitioner by virtue of revision before the J&K Special Tribunal, Srinagar ['the Tribunal'], and subsequently the said revision was dismissed in default by the Tribunal vide Order dated 4<sup>th</sup> August, 2023.

Learned counsel for the petitioner vehemently argued that the limitation period for execution of order/decreed, as envisaged under Limitation Act, has since elapsed and an application preferred by the respondent no. 4 after a gap of 23 years is grossly time barred. It is further argued by learned counsel for the petitioner that the private respondent no. 4 has slept over the matter for pretty long time, as such, the order dated 27<sup>th</sup> March, 2001, has lost its significance, force and validity. Learned counsel further submits that the issue with regard to limitation was raised before the executing court and the executing court without taking into consideration this aspect of the matter, has issued the impugned order which is palpably bad in the eyes of law.

Having heard learned counsel for the petitioner at length and perused the material on record, *prima facie*, case for indulgence of this Court is made out.

Notice.

Notice waived by Mr. Hakim Aman Ali, DY.AG, for respondents 1 to 3.

Petitioner to take steps for service of respondents 4 to 7 within a period of one week. Subject to taking such steps, Registry to issue notice to the respondents 4 to 7 returnable within four weeks.

List again on 4<sup>th</sup> December, 2024.

In the meantime, subject to objections and till next date of hearing before the Bench, the impugned Order dated 4<sup>th</sup> November, 2024 passed by the Additional Deputy Commissioner (Commissioner Agrarian Reforms) Anantnag in case titled *legal heirs of Salam Wani and Ors vs. Assadullah Wani* shall remain stayed.

Alteration, modification and vacation on motion.

**(WASIM SADIQ NARGAL)**  
**JUDGE**

**SRINAGAR:**

**22.11.2024**

*"Shamim Dar"*