

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

**WP(C) No. 248/2026
CM No. 571/2026
CAV No. 2951/2025**

Daya Ram & Ors.

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

Through: Mr. S.M. Choudhary, Sr. Advocate with
Mr. Devesh, Advocate.

vs

UT of J&K & Ors.

..... Respondent(s)

Through: Ms. Nazia Fazal, AC vice
Mrs. Monika Kohli, Sr. AAG for R-1 to 4.
Mr. M.L. Gupta, Advocate for R-5 to 10.

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

ORDER
(09.02.2026)

Caveat No. 2951/2025

With the appearance of Mr. M.L. Gupta, appearing counsel for the caveator/respondent No. 5, caveat stands ***discharged.***

WP(C) No. 248/2026

01. Petitioners, through the medium of this petition seek quashment of order dated 08.12.2025, passed by respondent No. 1-Financial Commissioner (Revenue), J&K in File No. 1396/FC-AP by virtue of which he has rejected the reference dated 10.01.2025, made by the Divisional Commissioner, Jammu, titled, "***Daya Ram & Ors Vs. Phangoo & Ors***", under Section 15(3) of Land Revenue Act, wherein, the order dated 31.03.2015, passed by respondent No. 2-Deputy Commissioner (District Collector), Jammu in a suit filed by the father of private respondent Nos. 5 to 10 under Section 32

of the Land Revenue Act was set aside and the suit was remanded to respondent No. 3 for hearing afresh, consideration the observation made therein.

02. Learned counsel for the petitioners has argued that the District Collector had passed the order against the predecessor-in-interest of the petitioner who had expired at the time of passing of the order, and that his legal heirs had not been brought on record except appearance of one of his sons-Sohan Lal, as suit order was an illegality, having been passed against a dead person.
03. Learned counsel for the petitioners has further argued that the right has been conferred on the predecessor on the basis of Rishtedari Girdwari which, in the eyes of law does not confer any right.
04. Heard.
05. Notice.
06. Ms. Nazia Fazal, Assisting counsel appearing vice Mrs. Monika Kohli, learned Sr. AAG waives notice on behalf of respondent Nos. 1 to 4 and Mr. M.L. Gupta, Advocate waives notice on behalf of respondent Nos. 5 to 10. They seek and are granted four weeks' time for filing reply.
07. List on **07.04.2026**.
08. Meanwhile, until further orders by this Court, the District Collector is directed not to disburse the rental compensation to any of the parties.

(M A CHOWDHARY)
JUDGE

