

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

**WP(C) No. 641/2023**

Mohd Rafiq

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

Through: Mr. Gagan Basotra, Sr. Advocate with  
Mr. M. Nadeem Bhat, Advocate

**vs**

UT of J&K and ors.

..... Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice  
Mrs. Monika Kohli, Sr. AAG for R-1 to 3  
Mr. Vishal Bharti, Dy. AG for R-4  
Mr. Chetan Prabhakar, Advocate for R-5

**Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER**  
**20.03.2025**

1. The issue raised by the petitioner in the present petition is that respondent No. 5, in whose favour, the impugned order has been passed by the District Magistrate, Ramban and upheld by the Appellate authority, is not a migrant within the meaning of Section 2 (e) of J&K Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997.
2. Respondent No. 5 has, along with his objections, filed a photocopy of the list of migrants of Gool. It seems that the said list has been issued by Deputy Commissioner, Udhampur. No document has been placed on record by respondent No. 5 to show that the said respondent is registered as a migrant with Relief Commissioner, which is a requirement as per Section 2(e) of Act of 1997. Learned counsel appearing for respondent No. 5 claims that the said respondent is a registered migrant with Relief Commissioner, Jammu.

3. Mr. Vishal Bharti, learned counsel appearing for Relief Commissioner, Jammu shall ascertain this fact and the Relief Commissioner, Jammu shall file a short affidavit indicating therein, whether respondent No. 5 is a registered migrant. Needful be done by next date of hearing.
4. List on 22.05.2025.

**(SANJAY DHAR)**  
**JUDGE**

**Jammu**  
20.03.2025  
*Neha-II*

