

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 801/2026

Talab Singh and others

.... Petitioner/Appellant(s)

Through:- Mr. Sumir Pandita, Advocate with
Mr. Imran Rather, Advocate

V/s

UT of J&K and others

.....Respondent(s)

Through:- Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
01.04.2026

1. It has been vehemently argued by learned counsel for the petitioners that once a civil Court has already taken cognizance of the dispute and has even passed an interim order staying the operation of the disputed affidavits, it becomes imperative/incumbent and obligatory upon the Additional Deputy Commissioner, Samba to have deferred the proceedings and to await the culmination of the proceedings which are pending in the civil suit. He has further argued that the Additional Deputy Commissioner in utter disregard to the order passed by the civil Court and the settled principles of law laid down by this Court in identical matters had proceeded to decide the appeal and has dismissed the same by virtue of order dated 14.02.2026, which is impugned in the present writ petition which has been preferred by the petitioners under Article 226 of the Constitution of India.
2. With a view to fortify his claim, Mr. Sumir Pandita, learned counsel has drawn the attention of the Court to the order/judgment passed by

this Court in similar facts and circumstances in OWP No. 322/2018 decided on 28.11.2025 before the Srinagar Wing of this High Court, wherein this Court in the concluding paragraph has held as under: -

37. The revenue court was well aware of the proceedings pending before the civil court on the same subject matter. In such a situation, it was obligatory upon the revenue court to await the culmination of the civil proceedings. Once the civil court had taken cognizance of the dispute, the revenue court became functus officio and could not simultaneously proceed to deal with the same subject matter.

3. Relying upon the aforesaid proposition of law, Mr. Sumir Pandita, learned counsel submits that the order impugned cannot sustain the test of law and is liable to be set aside, as the Additional Deputy Commissioner on one hand has recorded the finding that in para 15 of the order impugned acknowledging the factum of the matter pending before the civil court and yet the court proceeded to decide the said appeal, which according to Mr. Sumir Pandita is in derogation to the mandate and spirit of the law laid down by this Court.
4. Heard learned counsel for the petitioners at length and perused the record. Prima facie case for indulgence is made out.
5. Issue notice to the respondents, which is waived by Ms. Priyanka Bhat, learned counsel appearing vice Mrs. Monika Kohli, learned Sr. AAG on behalf of respondent Nos. 1 to 4. She seeks and is granted four weeks' time to file response.
6. Petitioners to take steps for service of private respondents within one week. Subject to steps being taken, notice be issued, returnable within four weeks.

7. Registry is directed to summon the scanned record from the court of Additional Deputy Commissioner (with powers of Collector, under Land Revenue Act), Samba, in file No. LRA/24/2022, titled Barnail Singh and others v. UT of J&K and others”, decided on 14.02.2026.
8. List on 04.05.2026.
9. In the meantime, subject to objections and till next date of hearing, the order impugned dated 14.02.2026, passed by respondent No. 3 Additional Deputy Commissioner, Samba, shall remain stayed.
10. Alteration/modification on laying motion.

(WASIM SADIQ NARGAL)
JUDGE

Jammu
01.04.2026
Vishal Khajuria

