

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

WP (C) No. 1539/2026

Indu Sharma Petitioner/Appellant(s)

Through:- Mr. Pranav Kohli, Sr. Advocate with
Mr. Aftab Malik, Advocate

V/s

UT of J&K & Ors.Respondent(s)

Through:- Mr. Vishal Bharti, Dy. AG for R- 1 to 4
Mrs. Monika Kohli, Sr. AAG with
Ms. Chetna Manhas, Advocate for R- 5

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

29.05.2026

1. In this petition, petitioner herein has challenged order dated 17.04.2026, passed by respondent No. 2 (Appellant Authority under Indian Forest Act 1927) in appeal No. 06/IFA/2022 titled "***Smt. Indu Sharma V/s Divisional Forest Officer, Udhampur***", upholding the order of respondent No. 2, whereby petitioner herein has been directed to vacate 1 Marla 04 Sarsai of alleged Forest Land in compartment 95/D, Nabhather Forest.
2. Learned senior counsel for the petitioner states that vide impugned order dated 17.04.2026, following order was passed:

"The Ld. counsel for the appellant has prayed to seek one more time as last and final opportunity for ground verification and respondent (DFO, Udhampur) has also prayed to seek time for personally visiting the site before the next date of hearing and the same was granted. This authority has directed the respondent (DFO Udhampur) to file factual report after spot visiting the site alongwith appellant, on next date of hearing i.e.17.04.2026 at 4.30 PM."

3. Learned counsel for respondent Nos. 1 to 4, Mr. Vishal Bharti, states that he has also gone through the impugned order, appellate authority without looking into the report which had to be submitted by respondent No. 3 on 17.04.2026 at 4:30 PM, has passed the impugned order.
4. Learned senior counsel for the petitioner further states that the impugned order 17.04.2026, does not specify as to whether, the factual report, as directed by the appellate authority has been received and considered, at that time the impugned order was passed.
5. Issue notice to the respondents, which is waived by Mr. Vishal Bharti, learned Dy. AG appearing for respondent Nos. 1 to 4 and Ms. Chetna Manhas, learned counsel appearing for respondent No. 5. They seek and are granted four weeks' time for filing reply, with an advance copy to the learned counsel for the other side.
6. List on **13.07.2026**.
7. Meanwhile, subject to objections from the other side and till next date of hearing before the Bench, impugned order dated 17.04.2026, passed in appeal No. 06/IFA/2022, shall remain stayed.

(MOKSHA KHAJURIA KAZMI)
JUDGE

JAMMU
29.05.2026
Asif Tantray