

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

WP(C) No. 1826/2020
CM No. 6483/2020

Shamas Din

.....Petitioner(s)

Through: Mr. Irfaan Khan, Advocate.

Vs

UT of J&K & Ors.

.....Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R-7, 10,
12, 14, 16, 18 & 19
Ms. Pallavi Sharma, Advocate
Mr. Ravinder Gupta, AAG for R-6
Mr. Vishal Bharti, Dy. AG for R-9
Mr. Suneel Malhotra, GA for R-22
Mr. Anil Khajuria, Advocate for R-20
Mr. Srijan Mahajan, Advocate vice
Mr. Harshwardhan Gupta, Advocate for
R-11 & 21.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(10.11.2025)

01. Given the nature of the documents placed on record by the petitioner on the basis of which the petitioner as busybody is coming forward with a concern that the land of Auqaf (Waqf land) is under the purported encroachment of the Government which includes that of Union of India as well as UT of J&K, this Court is constrained to direct personal appearance of the respondent No. 17-Administrator, Auqaf Department, Samba.

02. The tone and tenor of the writ petition is more as if it is a sponsored litigation even the petitioner having been sponsored to sensationalize as if the Government and its Departments, both of Union

of India as well as UT of J&K, are encroachers of the Waqf land whereas the Government of UT of J&K as well as the Administrator/Public functionary incharge of Auqaf Department, Government of J&K, have not felt urgent and needed to come forward and approach this Court with a writ petition that the Auqaf land (Waqf land) falling in the District Samba is not getting released from the Government of India as well as Government of UT of J&K and its respective Departments.

03. Once the respondent No. 17-Administrator, Auqaf Department, Samba has not termed the use and occupation of the Waqf property, if any, in occupation of the Departments as illegal one, then this Court is left wondering as to how the petitioner can be heard to say that the Auqaf land is under the illegal use and occupation of the long list of the respondents as named in the writ petition.

04. It is in this backdrop that this Court is constrained personal appearance of the respondent No. 17-Administrator, Auqaf Department, Samba to come up with the record, if any, relatable to land in reference.

05. The petitioner is directed to place on record an affidavit positively by the next date of hearing as to who was the Administrator Auqaf, Samba from whom the petitioner came to fetch the copies of the so called certificates of encroachment.

06. List again on **01.12.2025** with liberty to make mention.

(RAHUL BHARTI)
JUDGE

JAMMU
10.11.2025
Shivalee