

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

OWP No. 857/2015

c/w

WP(C) No. 1596/2021

Mohd. Ali and others

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

Through: Mr. P. N. Bhat, Advocate
In OWP No. 857/2015
Mr. Rajinder Jamwal, Advocate.
In WP(C) No. 1596/2021

Vs

State of J&K and others

..... Respondent(s)

Through: Mr. F. A. Natnoo, Advocate.
Ms. Priyanka Bhat, Advocate vice
Ms. Monika Kohli, Sr. AAG
Mr. Vishal Bharti, Dy. AG.

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

ORDER

WP(C) No. 1596/2021

1. The petitioner through the medium of instant petition is calling in question order dated 26.07.1983 passed by the respondent No. 2 i.e. the Custodian General to the extent it de-notifies and delete the land/property in share of the persons mentioned in the prayer clause, which has been declared as evacuee property from the evacuee property register.
2. With a view to proceed further in the matter, learned counsel for the petitioner is directed to address the issue with respect to maintainability of the instant petition on the next date of hearing that how and under what circumstances the order which was passed way back on 26.07.1983 by the Custodian General can be challenged at this stage in the year 2021 and whether the petitioner has an alternate and efficacious remedy provided

under the Act to call in question the order passed by the Custodian General.

3. Let the issue of maintainability be decided at the first instance before proceeding further in the matter.

OWP No. 857/2015

1. Vide order dated 09.11.2022 it has been observed by this Court that Mr. S. S. Nanda, learned senior AAG appearing on behalf of respondent No. 4 and 5 had made a statement and had adopted the reply filed by respondent Nos. 2 and 3.
2. Today, when the case was taken up, it has been brought to the notice of this Court that the Revenue Department has now been assigned to Ms. Monika Kohli, learned senior AAG and she submits that separate response is required to be filed by respondent Nos. 4 and 5 to clinch the controversy in question. Accordingly, she seeks a week's time to do the needful.
3. In the interest of justice, a week's time is granted to learned counsel appearing on behalf of respondent Nos. 4 and 5 to file separate reply with an advance copy to the learned counsel for the petitioners.
4. List this matter along with WP(C) No. 1596/2021 for final consideration on 25.08.2023.
5. It is made clear that no further adjournment shall be granted on the next date of hearing and the matter shall be heard on its merits.

(WASIM SADIQ NARGAL)
JUDGE

Jammu
11.08.2023
Safil Padha