

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

Case:- OWP No. 857/2015
c/w
WP(C) No. 1596/2021

Mohd. Ali & Ors.

.....Petitioner(s)

Through: Mr. P. N. Bhat, Advocate in OWP No.
857/2015.

Vs

State of J&K & Ors.

.....Respondent(s)

Through: Ms. Nazia Fazal, Assisting Counsel vice
Mrs. Monika Kohli, Sr. AAG.
Mr. Vishal Bharti, Dy. AG.
Mr. Rajinder Jamwal, Advocate.
Mr. P. S. Pawar, Advocate.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(02.07.2025)

01. Heard Mr. P. N. Bhat, learned counsel for the petitioners
in OWP No. 857/2015.

02. The origin of the litigation is sourced to an order dated
29.07.1978 passed by the Custodian Evacuee Property, Jammu
whereby an application filed by the petitioner No. 1 – Mohd. Ali
seeking restoration of the evacuee property in terms of Section 8 of
the J&K State Evacuees (Administration of Property) Act, Svt., 2006
was rejected holding the claim lodged by the petitioner No. 1 as time
barred.

03. Against this said order dated 29.07.1978, the petitioner
No. 1 had preferred a statutory appeal before the Custodian
General, J&K in which the respondent shown was Mst. Gian Kaur.

The said appeal of the petitioner No. 1 came to be *allowed* with adjudication on merits of the application itself so filed by the petitioner No. 1 in terms of an order dated 26.07.1983.

04. Copy of basic order dated 29.07.1978 is not obtaining on the record of this writ file, as such, this Court directs Mr. P. N. Bhat, learned counsel for the petitioners to place on record not only copy of order dated 29.07.1978 but also the Memo of Appeal preferred by the petitioner No. 1 before the Custodian General, J&K for the sake of perusal of the contents of the order dated 29.07.1978 as also of the averments made in the Memo of Appeal.

05. Needful be done by the next date of hearing.

06. List in continuation on **22.07.2025**.

07. In the meantime, application CM No. 1440/2025 has been preferred by applicant – Roshan Lal seeking his impleadment as a party-respondent in the writ petition. The said application would be taken up for consideration on the next date of hearing when the afore-directed is done at the end of the petitioners in the matter of production of order as well as the Memo of Appeal.

08. Interim direction, if any, to continue till next date of hearing.

(RAHUL BHARTI)
JUDGE

JAMMU
02.07.2025

Bunty