Serial No. 81
Supp. Cause List-I

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 2470/2026 CM(6679/2026)

MOHAMMAD YOUSUF MIR AND ANOTHER …Petitioner(s)/Appellant(s).

Through: Mr. Aasifa Padroo, Advocate

Vs.

UNION TERRITORY OF J AND K AND OTHERS

...Respondent(s).

Through: None

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

29.09.2026

1. Heard the learned counsel for the petitioners in respect of the matter.

2. The petitioners seem to be aggrieved of the consecutive orders passed by the respondent Nos.4 i.e., Additional Deputy Commissioner, Baramulla on the application of the respondent No.8- Mushtaq Ahmad Mir, S/o Mohammad Anwar Mir, that was filed by him seeking pruning of the branches of the walnut trees on the ground that same are contradictory *inter se* and the final order dated 03.09.2026 was passed where under the petitioner's two walnut trees were extensively subjected to pruning so much so that they were rendered unworthy of yielding fruit.

3. It is contended that the respondent No.4 passed all such orders while misusing his official position in utter disregard of the provisions of law and to the great prejudice of the petitioners. It is further contended that vide order dated 01.09.2026, the respondent concerned had directed both the parties to attend his office on 07.09.2026 at 2:30 P.M sharp, but surprisingly he passed an another order on 03.09.2026 thereby directing the Tehsildar concerned to personally visit the spot and carry out the exercise of pruning by that day itself

with the submission of the compliance report. It is contended that the petitioners also approached the office of the Divisional Commissioner, Kashmir seeking an independent probe in respect of the matter with the award of compensation to them, but their representation is still pending diposal.

4. The petitioners have accordingly prayed for issuance of appropriate directions/writs in the nature of mandamus for commanding the respondent No.2- Divisional Commissioner, Kashmir to immediately enquire into the matter and to take consequent action as warranted under law.

5. The petitioners have also sought for payment of compensation to them on account of the loss caused to their property by alleged misuse of the official position at the hands of the respondent No.4

6. In the facts and circumstances of the case and especially having regard to the relief sought by the petitioners, the instant petition is disposed of at this threshold stage by directing the respondent No.2-Divisional Commissioner, Kashmir to address the pending application/representation of the petitioners seeking immediate enquiry in respect of the matter contained in the petition, and the payment of compensation to them, in accordance with the law.

7. **Disposed** of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
29.09.2026
Opinder