S. No. **51**
Suppl. Cause List

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

WP(C) No. 2536/2026

Mohammad Maqbool Malik …Appellant/Petitioner(s)

Through: Mr. Ateeb Kanth, Advocate

Vs.

UNION TERRITORY OF J AND K and Ors. ...Respondent(s)

Through: None

CORAM:

HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

O R D E R

08.10.2026

1) The petitioner has taken recourse to the writ jurisdiction of this Court in assail of the order passed by the Deputy Commissioner, Baramulla, in proceedings under Sections 105 and 117 of the Land Revenue Act, seeking partition of the landed property left behind by one Ghulam Rasool Malik. In terms thereof, a direction has been passed by the said authority upon the Tehsildar concerned to initiate and complete the partition proceedings in respect of the landed property comprising Survey Nos. 1605, 1609 and 963, forming part of the estate of late Ghulam Rasool Malik, strictly in accordance with the provisions of the Land Revenue Act.

2) During the course of arguments, it is fairly conceded by the counsel for the petitioner that any order passed therein amounts to a decree as if passed by a Civil Court of first instance, which is open to appeal before the District Judge or the High Court.

3) He, therefore, fairly concedes that, given the statutory right available, under the Land Revenue Act, a recourse to filing of petition under Article 226 of the Constitution does not arise.

4) Learned counsel, therefore, submits that he may be relegated to file an appeal in accordance with law. However, during the intervening period, he seeks protection.

5) Since the petitioner has an equally efficacious remedy of appeal, which is guaranteed by the statute, in that backdrop, the writ petition is not maintainable and is, therefore, **dismissed** as not pressed, with liberty to the petitioner to file an appeal before the District Judge in accordance with the provisions of the Land Revenue Act within a period of one week. Till then, the order passed by the Deputy Commissioner, Baramulla, impugned herein, shall not be given effect to. In case the appeal is not laid within seven days, the protection so granted herein-above shall be deemed to have been vacated.

6) Given the urgency expressed by learned counsel for the petitioner, a copy of the order shall be made available to him under the seal and signature of the Bench Secretary.

(SANJAY PARIHAR)
JUDGE

SRINAGAR
08.10.2026
Shabroz