

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

WP(C) No. 1597/2023
CM No. 3714/2023

Ghulam Mohammad Bhat

..... Appellant/petitioner(s)

Through: -
Mr. Gulzar Ahmad Bhat, Advocate

V/s

UT of J&K and Ors.

..... Respondent(s)

Through: -
Mr. Musaib, Dy. AG vice Mr. Mohsin Qadri, Sr. AAG

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)

26.06.2023

In the instant petition, petitioner is seeking direction upon respondents to conduct election regarding Lambardar of village Dedmari Bagh and Rather Mohalla, Shunglipora, Tehsil Eidgah, District Srinagar as well as to decide the representations of petitioner regarding his appointment as Lamberdar through election process and also to restrain the private respondents from performing work as proposed Lamberdars of village Dedmari Bagh and Rather Mohalla, Shunglipora, Tehsil Eidgah, District Srinagar, till Lamberdar is appointed/elected through election process.

The aforementioned relief is claimed by the petitioner precisely on the ground that the official respondents have initiated the process for appointment of Lamberdar in terms of J&K Lamberdari Act and many candidates of village Dedmari Bagh and Rather Mohalla, Shunglipora, Tehsil Eidgah, District Srinagar, responded in pursuance of oral information given to them by the concerned revenue department.

The Tehsildar concerned is stated to have recommended the private respondents and allowed them to function as Lamberdars of the said village, in disregard of rules.

It is stated that detailed representations were filed by the petitioner before the Tehsildar concerned and Divisional Commissioner, Kashmir, on 14.03.2023 and 13.06.2023, but no action has been taken. In this regard, the main grievance

of petitioner is that appointment of Lamberdar for the said village be made on the basis of election, which has not been redressed. It is stated that the said proposed Lamberdars have encroached state land and stolen food grains from the Government stores, but despite that the Tehsildar concerned is allowing them to work as Lamberdars, in disregard of rules. The said Tehsildar is hell bent to appoint the said proposed Lamberdars as Lamberdars of the said village.

Heard. Issue notice, waived by Mr. Musaib, Dy. AG, appearing vice Mr. Mohsin Qadri, Sr. AAG. He submits that this petition can be disposed of at this stage by directing that the representations made by the petitioner, would be considered by the respondents in accordance with law and shall pass a reasoned order regarding the same. His statement is taken on record.

It is stated that despite that no action is being taken. The further grievance of the petitioner is that the Lamberdar is required to be appointed in accordance with the provisions of law, viz, by election or otherwise as is provided in the Lamberdari Act.

Counsel appearing for the petitioner submits that petitioner would feel satisfied, if the writ petition is disposed of with a direction to the respondents to consider the representations made by him to the Divisional Commissioner, Kashmir and Tehsildar concerned. His statement is also taken on record.

Having regard to the submissions made by counsel appearing for the parties, this writ petition is disposed of by directing that the respondents shall consider and decide the representations made by the petitioner strictly in accordance with law and the rules governing the subject. The said consideration and decision on the representations shall be taken preferably within two months from the date copy of the order is served upon respondents.

Disposed of along with connected CM(s).

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
26.06.2023
"Mohammad Yasin Dar"