

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 1620/2022
CCP(S) No. 433/2022

Farooq Ahmad Katoo

..... Petitioner (s)

Through: Mr. Mohamad Yousuf Bhat, Adv.
V/s

Union Territory of J&K & Ors.

..... Respondent(s)

Through: Mr. Gulzar Ahmad Bhat (Sopori), Adv.

Coram:

Hon'ble Mr. Justice Rajnesh Oswal , Judge.

ORDER

31.01.2024

WP(C) No. 1620/2022:

1. Heard learned counsel for the parties.
2. The petitioner has impugned order dated 24.05.2022 passed by respondent No. 2 on the ground that respondent No. 2 was not having jurisdiction to entertain any application/petition under Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 .
3. The contesting respondent i.e, respondent No. 4 has filed the response stating therein that the petitioner has concealed the factum of two suits while filing the writ petition and further respondent No. 4 approached respondent No. 2 only when the Tehsildar and the Deputy Commissioner concerned did not take any action pursuant to the representation made by

respondent No. 4. This Court vide order dated 01.08.2022, while staying the operation of the impugned order left the person aggrieved free to approach the District Magistrate concerned or any officer competent in that behalf for seeking eviction of the unauthorized occupant from the land in question.

4. Learned counsel for the petitioner submits that respondent No. 4 has approached the District Magistrate, Srinagar and the petitioner has already been summoned by District Magistrate concerned.
5. In view of the above, the present petition has been rendered infructuous and the order dated 24.05.2022 shall not come in the way of District Magistrate concerned to proceed in accordance with law in the application/representation filed by respondent No. 4.
6. Disposed of as above.
7. **CCP(S) NO. 433/2022:**
8. Since the main matter has been disposed of. The contempt petition does not survive. The proceedings are closed and the contempt petition is disposed of accordingly.

(Rajnish Oswal)
Judge

SRINAGAR
31.01.2024
Aasif