

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2168/2026
CM(5890/2026)

Bal Krishan Pandita

...Petitioner (s)

Through: Mr. Arshid Andrabi, Advocate with
Ms. Humaira Shafi, Advocate

Vs.

UT of J&K and Ors.

...Respondent(s)

Through:

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

07.09.2026

1. In this petition, the petitioner has, *inter alia*, called in question the vires of Notification No. S.O. 144 of 2022 issued by the Government of J&K in the exercise of powers conferred under clause (b) of Section 2 of the Jammu & Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 ["the Act of 1997"], whereby the Government has nominated certain Revenue Authorities as the Competent Authorities to issue requisite orders/notices for eviction in respect of migrant immovable property falling within their respective jurisdictions. It is because of this challenge to the vires of S.O. 144 of 2022, this petition has been placed before the Division Bench.
2. We have heard learned counsel for the petitioner and perused the material on record. We are of the considered opinion that the challenge to the vires of S.O. 144 of 2022 is devoid of merit

and deserves to be rejected. For facility of reference Section 2(b) of the Act of 1997 is set out below:-

“Competent Authority” means the District Magistrate of the area and includes such other officer of the area as the Government may appoint for an area;

3. From reading of Section 2(b) of the Act of 1997, it is abundantly clear that the Government has been empowered to appoint any officer of the area other than the District Magistrate of that area as the Competent Authority for exercising the powers contemplated under the Act of 1997, including the power of eviction in respect of migrant immovable property.

4. The Government, in its wisdom, and with a view to streamline the functioning of the authorities under the Act of 1997, has designated two more Revenue Officers as the Competent Authorities to bring ease to the migrants having disputes with regard to the land situated in the valley. We find no infirmity, much less any constitutional invalidity, in S.O. 144 of 2022. The challenge to the vires of S.O. 144 of 2022 is, therefore, without any basis and is, accordingly, rejected.

5. Having held so, the remaining issues raised in the writ petition are amenable to the jurisdiction of the learned Single Judge. The present petition is, accordingly, directed to be listed before the learned Single Judge having the roster.

6. List on 09.09.2026.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:
07.09.2026
“MIR ARIF”