

Serial No. 61

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

WP (C) No. 2447/2026.

CM No. 6620/2026

1. *Sheikh Rafiq Ahmad*
S/O Sheikh Ghulam Rasool
2. *Rifat Rafiq*
W/O Sheikh Rafiq Ahmad
Both residents of Baghat Barzulla, Srinagar.

..... Petitioner(s)

Through: -

Mr. Nissar Ahmad, Advocate.

V/s

1. *Union Territory of Jammu & Kashmir through*
Commissioner/Secretary to Govt, Revenue Department,
Civil Secretariat, Srinagar
2. *Deputy Commissioner, Srinagar*
3. *Tehsildar South, Srinagar.*
4. *Sub-Registrar, South, Srinagar/Sub-Divisional Magistrate (South), Sgr.*
5. *Patwari, Barzulla Baghat, Srinagar.*

..... Respondent(s)

Through:-

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

(ORDER)

26.09.2026.

(Oral)

1. Heard the learned counsel for the petitioners in respect of the matter.
2. The case of the petitioners in nutshell is that they own and possess a piece of land falling under Survey Nos. 1451/362 Min and 1455/362 situated at Baghat Barzullah, Srinagar by virtue of a sale deed, executed on 14th March, 2017, and duly registered by the Sub-Registrar, Srinagar on 16th March, 2026. That they after obtaining the requisite Building permission from the competent authority have raised a commercial building on the subject piece of land. That they have rented out some space in the aforesaid commercial building to the lessees/tenants for a specific period and, as such, the tenants are compelling them for execution of the formal rent/lease deeds and accordingly, they have applied through online mode for issuance of revenue extracts/Fard, so as to execute formal lease/rent deeds in favour of

the tenants. That despite repeated requests, the respondents are not issuing the revenue extracts/Fard in their favour.

That the office of Divisional Commissioner, Kashmir has recently issued an order bearing No. DivCom/LRS/785119/1173/2026 dated 09.09.2026, instructing all the Deputy Commissioners to provide services to the citizens as per the standing orders and to also take all measures for re-creation of missing/dilapidated Massavies as per norms governing correction of records. That they have time and again visited the office of the respondent No. 3 with the request for issuance of necessary revenue extracts/Fards but the later has refused the issuances of the same by assigning the reason that the village map/Aksa Latha is not available in the Tehsil Office,, and, as such, the revenue extracts/Fards applied for and sought by them cannot be issued. That they have been subjected to great prejudice and inconvenience by non-issuance of the requisite revenue extracts by the respondent No. 3 as such are not in a position to execute the formal rent deeds/lease deeds with the tenants.

3. The petitioners have accordingly, prayed for issuance of direction, commanding the respondent Nos. 1-3 & 5 to issue necessary revenue extracts/Fard in their favour in respect of their piece of land.

4. Learned counsel for the petitioners during the course of his preliminary submissions *inter-alia* stated that inaction on the part of respondents by not furnishing the revenue extracts/Fard within the stipulated period violates the statutory mandate of Jammu and Kashmir Public Services Guarantee Act, 2011. He however, contended that irresponsible and unaccountable approach of the respondent No.3 in arbitrarily withholding the issuance of revenue extracts/Fard has prevented the petitioners from utilizing and enjoying the lawfully owned property at Baghat, Barzulla, Srinagar, thereby, infringing their Constitutional rights under Article 300-A. It has

been further submitted by the learned counsel for the petitioners that the petitioners have not filed any other writ petition or any other proceedings concerning the subject matter before any other court/Forum.

5. In the facts and circumstances of the case and especially having regard to the relief sought in this petition by the petitioners, this Court is of the considered opinion that the matter can be disposed of even at this threshold stage by passing of appropriate directions upon the respondents which are otherwise meant to be complied with by them as a part of their statutory duty.

6. The Revenue Department being the custodian of the land records cannot refuse issuance of the revenue extracts except under the circumstances where such issuance is expressly and specifically barred under orders of any Revenue/Civil Court or any other Competent Authority passed in any litigation. The competent officers/officials having the authority to issue such revenue extracts/Fards can at the most make a note of any important/relevant facto-legal point, felt by them to be necessarily incorporated in the extract but cannot refuse issuance of the revenue extracts. It is shocking that citizens are being made to suffer by the Revenue authorities by not issuing the revenue extracts/Fards in their favour under rules. The mere issuance of revenue extracts/Fards cannot be used to change the recorded entries except strictly in accordance with the law. So the agencies being entrusted with the custody of the revenue records have no authority to refuse the issuance of revenue extracts in favour of the applicants strictly as per records. However, as hereinabove mentioned that they can make mention by way of a foot note of any court directions/orders or any other Government instruction(s) so that same can be perused by the authorities before whom such extracts will be produced in connection with any subsequent transaction(s).

7. Admittedly, as mentioned by the learned counsel for the petitioners, the office of the Divisional Commissioner, Kashmir has recently vide communication dated 09.09.2026, enjoined upon all the Deputy Commissioners of Kashmir Division to ensure compliance of the Government instructions/clarifications, in letter and spirit, ensuring adherence to the Public Services Guarantee Act.

8. There should be no hesitation in issuance of a revenue extract/Fard strictly as per the available revenue record. The practice teaches that in day-to-day human transactions even a person who is not a recorded owner or otherwise having any interest in the immoveable property can even feel an urgent need to apply for issuance of revenue extract/Fard in respect of the property recorded in the name of others so as to enable him to take action under law for enforcement of his rights, alleged to have been accrued to him under any legal transaction(s).

9. The petitioners have placed on record, Annexure-I, a Xerox copy of the Sale deed duly registered by the sub-Registrar concerned on 16th March, 2017, as also annexure-II, i.e, Khasra Girdawari, which clearly reflects that the petitioners are the absolute owners in possession of land measuring 1 Kanal 7 ½ Marals falling under Survey Nos. 145/362/326 and 1455/362/326.

10. The disposal of the case at this threshold stage is accordingly felt to meet the ends of justice. The matter is, accordingly, disposed of with the direction to the respondents especially to the respondent No.3-Tehsildar South, Srinagar to issue immediately revenue extracts/Fards in favour of the petitioners under rules, already applied for by them. The necessary revenue extract/Fard shall be issued within a period of one week from the date a copy of this order is left at the office of respondent No.3.

11. The writ petition is ***disposed of*** along with connected CM(s).

(Mohd Yousuf Wani)
Judge

SRINAGAR
26.09.2026.
“Abdul Rashid”