

**Before Shaleen Kabra, IAS, Financial Commissioner (Revenue)/ Commissioner  
Agrarian Reforms J&K, Srinagar**

**File No.**  
683/FC/AP

**Date of Institution**  
22.03.2021

**Date of Decision**  
08.04.2022

**In the case of :**

1. Shabir Ahmad Butt S/o Gh. Ahmad Butt
2. Zahoor Ahmad Bhat S/o Ghulam Ahmad Bhat
3. Abdul Qayoom Butt S/o Mohammad Sidiq Butt Residents of Natipora, Srinagar

.....**Appellants/Applicants**

**Versus**

1. Divisional Commissioner, Kashmir, Srinagar.
2. District Magistrate, Srinagar.
3. Tehsildar (South), Srinagar.

.....**Official Respondents/Non-Applicants**

4. Jan Mohammad Reshi S/o Noor Mohammad Reshi
5. Hilal Ahmad Reshi
6. Bilal Ahmad Reshi Ss/o Jan Mohammad Reshi
7. Aquida Jan All residents of Nowabad Sujwan A/P Umar Abad, Zainakoot, Srinagar. C/o Talab Chowdhary Road, Jammu

..... **Pvt. Respondents/ Non Applicants**

**In the matter of:**

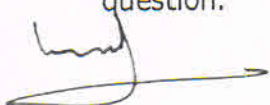
Appeal seeking quashment of the impugned order bearing No. 172/Jud/Teh-South/20 dated 18.03.2021 passed by Tehsildar (south), Srinagar and order dated 08.03.2021 by Divisional Commissioner, Kashmir vide No. Div.Com/Legal/Misc-2021/242 in case titled Jan Mohammad Reshi & ors. V/S Shabir Ahmad Bhat & Ors.

**Present: -**

Advocate: Mohammad Amin Bhat for petitioners.  
Advocate: M/S Aamir Lattoo for Respondents.

**ORDER**


This is an appeal preferred under section 7 of the Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 whereunder the orders dated 08.03.2021 and 18.03.2021 passed by Divisional Commissioner Kashmir and Tehsildar (South) Srinagar respectively have been called in question.



2. The appellant Counsel did not cause his presence from the date of presentation of Appeal except on one date of hearing. The case was taken up through virtual mode on 23.03.2022 and through physical mode on 07.04.2022 but only the Counsel for respondents caused his presence and filed his objections as well mentioning there-in that the appeal has become infructuous as the possession of the disputed property has been handed over to them by Tehsildar vide order dated 21.05.2021.
3. Thus, without going to the merits of the case, the appeal is dismissed for non-prosecution, which otherwise also has become irrelevant in view of the order of Tehsildar referred to above.
4. Interim orders, if any, issued by this court are vacated.
5. File to be consigned to records after due completion.

**Announced**

08-04-2022

  
**Shaleen Kabra (IAS)**  
**Financial Commissioner (Revenue)**  
**J&K.**

NO:- 128/FC-AP

Dated:- 18-4-2022

COPY TO:-

1. District magistrate Srinagar  
for information & n/a.
2. Tehsildar South Srinagar for  
information & n/a.