

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- WP(C) No. 1065/2025
CM No. 2529/2025

Iftkhar Ali & Ors.Appellant(s)/Petitioner(s)

Through: Mr. Mohd. Latif Malik, Advocate.

Vs

Union of India & Ors.

.....Respondent(s)

Through: Mr. Vishal Sharma, DSGI for R-1.
Mrs. Monika Kohli, Sr. AAG for R-2 to
7

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(29.04.2025)

01. The petitioners are members of a family with Faqur Ali alias Faqur Din being their father now deceased. All the petitioners claim to be residents of village Salwah, tehsil Mendhar, district Poonch.

02. The petitioners have come to be confronted with a situation bearing the prospect of going to be forced out of UT of J&K and India on the pretext of being Pakistani citizens which premise and position is however being seriously contested by the petitioners.

03. The petitioners, in para 5 of the writ petition, have referred to their respective birth place. With respect to some of the petitioners it is in Jammu & Kashmir and with respect to others it was at Concentration camp at Tralkhal, PoK.

04. The petitioners submit that by reference to mauza Salwah tehsil Mendhar district Poonch they have the revenue record

obtaining in their favour to be the holders of the land and in this regard the learned counsel for the petitioners refers to khasra-girdawaris of the year 2014, 2019 & 2021 to show that the some of the petitioners by reference of their father Faqur Din are in the recorded cultivating possession of the land in mauza Salwah.

05. Furthermore, by reference to the petitioner No. 1, it is being stated that he is a Police Constable in Indian Reserve Police (IRP) and in this regard, order No. 475 of 2021 dated 12.04.2021 has been placed on record in the course of hearing by the learned counsel for the petitioners to show that petitioner No. 1-Iftkhar Ali is Police Constable with Belt No. 697/R (now 589/KTR) PID No. EXJ-976975 who has been subjected to disciplinary proceedings by the Zonal Police Headquarters, Jammu.

06. The petitioners have also referred in the writ petition to the fact their father Faqur Din during his life time being a petitioner in writ petition OWP No. 682/1993 filed in this Court with respect to matter of seeking citizenship right in India and later the petitioners filing a writ petition OWP No. 284/2005 in this very Court so as to demonstrate that they are in India long back and that too not by stealth.

07. The petitioners No. 1 to 4 are said to be married persons having their wives and families with respect to whom no order for ouster from India has come to be passed whereas it is only they who have been detained with intent to be forced out of India notwithstanding the fact they are settlers in Poonch in mauza Salwah dating back long.

08. The revenue documents produced by the learned counsel for the petitioners are taken on record for the sake of confirmation

of submissions made by the learned counsel for the petitioners to *prima facie* establish that the petitioners are *bona fide* residents of J&K belonging to district Poonch and, thus, not amenable to be forced out of India in the manner as is intended to be done.

09. *Prima facie* case is made out.

10. Issue notice to the respondents in the writ petition as well as in CM No. 2529/2025 also.

11. Notice waived by Mr. Vishal Sharma, learned DSGI on behalf of the respondent No. 1 and Mrs. Monika Kohli, learned Senior AAG on behalf of the respondents No. 2 to 7.

12. Reply be filed by the respondents within a period of two weeks.

13. List on **20.05.2025**.

14. Meanwhile, petitioners be not asked or forced to leave UT of Jammu & Kashmir. This direction is, however, subject to objections from the other side. मृत्यमेव जयते

15. The respondent No. 3 – Deputy Commissioner, Poonch is directed to come forward with furnishing of an affidavit with respect to the status of property holding if any by the petitioners in their own name and right or by reference to their father Faqur Din in reference to mauza Salwah tehsil Mendhar district Poonch.

(RAHUL BHARTI)
JUDGE

JAMMU
29.04.2025

Bunty