Sr. No. 10

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

LPA No. 14/2025 in
WP (C) No. 2191/2021

Kuldeep Kumar and Another .....Applicant(s)/Petitioner(s)

Through :- Mr. Naveen Sharma, Advocate

v/s

UT of J&K and Others .....Respondent(s)

Through :- Ms. Meenakshi Slathia, Dy. AG for R-1 to 4
Mr. Sushail Chandel, Advocate for R-5 to 9

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
13.10.2026

1. Impugned in this intra court appeal, filed by the appellants is an order and judgment dated 19.11.2024 passed by a learned Single Judge of this Court ["the writ Court"] in WP (C) No. 2191/2021, whereby the writ petition filed by the appellants seeking grazing rights over the Dhar Runtlu in Forest Division, Bhaderwah has been dismissed.

2. Briefly stated, the genesis of the dispute raised in this appeal lies in a dispute between the appellants on one hand and the respondent Nos. 4 to 9 on the other hand with regard to grazing rights over Dhar Runtlu of Forest Division Bhaderwah. Both the sides are claiming their grazing rights on the basis of permits issued by the competent authority of the Forest Department.

3. With a view to resolving the dispute *inter se*, the appellants and the private respondents herein, the Range Officer with help of his staff conducted an inspection on spot and came to the conclusion that the appellants were, in fact, entitled to the grazing rights and that the private respondents who had been grazing their cattle on the said Dhar as Asamies had managed to get requisite permits issued in their names for some years. The report was, thus, highly tilted in favour of the appellants and against the private respondents. This report was submitted by the Forest Range Officer, Control Room Bhaderwah to the Divisional Forest Officer, Forest Division, Bhaderwah on 21.09.2020.

4. It seems that the aforesaid report was neither conclusive nor was based on relevant material, as such, the Divisional Forest Officer concerned constituted a fresh team of forest officers headed by a Range Officer Forest Range, Doda for conducting fresh verification. The team so constituted conducted its verification and submitted its report to the Divisional Forest Officer, Forest Range, Bhaderwah vide its communication dated 06.09.2021. In the second verification report conducted by the team headed by one Mohd. Haroon Khan, Range Officer, Soil Range Doda, it was found that the appellants did not have any permit for grazing their livestock in Dhar Rantlu. The Committee, however, found the private respondents having their grazing rights in Dhar Palay (Rantlu).

5. As per this report, one Shri Kamal Din Gujjar was actually found entitled to graze his livestock exclusively in Dhar Rantlu, Jai. When

this fresh verification report dated 06.09.2021 came up for consideration, the Divisional Forest Officer, Forest Range Bhaderewah, Sh. Kamal Din Gujjar who was held entitled to grazing rights exclusively over the entire Dhar Rantlu submitted an affidavit that along with him, the private respondents too had been grazing their cattle on Dhar Rantlu.

6. It seems that on the basis of this affidavit, the Divisional Forest Officer, Forest Range Bhaderwah held the private respondents also entitled to graze their cattle and made a communication to the Conservator of Forests, Chenab Circle, Doda vide its communication bearing No. DPO/BHAD/3289-92 dated 23.09.2021. The aforesaid communication of the DFO has been accepted by the Conservator of Forests, Chenab Circle, Doda, who has, vide its communication bearing No. CFC/Grazing/2021-22/6542 dated 25.09.2021, directed that nobody other than Sh. Kamal Din Gujjar and the private respondents herein shall have grazing rights over the Dhar Rantlu.

7. Feeling aggrieved of the communication of DFO Bhaderwah dated 23.09.2021 and a consequent order dated 25.09.2021 passed by the Chief Conservator of Forest, Chenab Circle, Doda the appellants who were found not entitled to graze their livestock in Dhar Rantlu filed WP (C) No. 2191/2021 which has been dismissed by the writ Court in terms of the order impugned.

8. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment impugned passed by the writ Court is legally and factually correct.

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9. There is no dispute with regard to the fact that in the detailed enquiry (the second enquiry) conducted by a team of officers led by Mohd. Haroon Khan, I/c Range Officer, Soil Range Doda, the appellants were not found entitled to any grazing rights over Dhar Rantlu of forest Division, Bhaderwah. The second report dated 06.09.2021 which is more comprehensive was rightly relied upon by the Divisional Forest Officer, Forest Range Bhaderwah and the Conservator of Forests, Chenab Circle, Doda who came to the conclusion that the appellants herein had never been granted any grazing rights over to Dhar Rantlu. There was, however, some dispute as to whether along with Sh. Kamal Din Gujjar, the private respondents too had been conferred the grazing rights with respect to Dhar Rantlu. Sh. Kamal Din Gujjar who was found having the exclusive grazing rights over the Dhar Rantlu himself admitted before the Divisional Forest Officer concerned that along with him the private respondents too had been grazing their livestock for the last several years. Additionally, there are also the permits granted by the competent authority in favour of the private respondents for last several years.

10. In view of the aforesaid factual position emerging from the second report of the Forest Officers coupled with the documentary evidence on record, the Divisional Forest Officer, Forest Range Bhaderwah and the Conservator of Forests, Chenab Circle, Doda were correct in arriving at the conclusion that only Sh. Kamal Din Gujjar and the

private respondents had grazing rights in the Dhar Rantlu and, that, the appellants herein were never granted such rights.

11. For the foregoing reasons, as also for the reasons elaborately given by the writ Court, we do not find any merit in this appeal and the same is, accordingly, dismissed. However, we leave it to the appellants to approach the competent authority of the Forest Department for grant of similar right of grazing. Needless to say that in case he approaches with such a request, the same shall be considered on its merits and in accordance with law and norms in vogue.

(MA Chowdhary)
Judge

(Sanjeev Kumar)
Judge

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OF JAMMU & KASHMIR AND LADAKH