

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

CJ Court

WP(C) PIL No. 17/2020

Prof. S.K. Bhalla

.....Petitioner(s)

Through :- Mr. S.S. Ahmed, Advocate.
Mr. Rahul Raina, Advocate.
Ms. Supriya Chouhan, Advocate.

v/s

The UT of J&K & Ors.

.....Respondent(s)

Through :- Mr. S.S. Nanda, Sr. AAG.

**CORAM:HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE**

ORDER
07.11.2024

1. Mr. S.S. Nanda, Sr. AAG submits that he has filed the latest status report on 06.11.2024, however, the same is not available on the digital file. The Registry is directed to place the same on record. Mr. Nanda, learned Sr. AAG further submits that sufficient time be granted to the answering respondents to place the matter before the competent authority under the newly formed Govt. of UT of Jammu & Kashmir for taking the matter to the logical end.
2. The respondents in their status report dated 20.08.2024 have stated that the Estates department, after seeking requisite details from the Deputy Director Estates Jammu/Kashmir, found thirty three (33) occupants/political persons whose requisite details were sought to be placed before the designated committee. It was prayed that some reasonable time preferably till the Model Code of Conduct is over, for concluding the process and filing of final compliance report in terms of

the orders of this Court dated 05.06.2024 and 07.08.2024 be granted and this Court vide order dated 21.08.2024 passed the following direction:

“Mr. Amit Gupta, learned AAG shall furnish a copy of the affidavit to Mr. S.S. Nanda, learned counsel for the petitioner within a week’s time, who shall file his response before the next date of hearing.”

3. Pursuant to the order dated 21.08.2024, another compliance report/status report was filed by the respondents-Directorates of Estates Jammu and Kashmir wherein it is submitted that the first part of the judgment as per the directions of this Court was submitted in a sealed cover and a copy of the affidavit was filed before the Registry whereas, in compliance to the second part of the order, it was submitted that the designated committee, in its meeting convened on 02.09.2024, had identified the occupants/political persons from serial Nos. 1 to 18 occupying the estates accommodation at Srinagar while as from serial Nos. 19 to 33 occupying the estates accommodation in Jammu and the designated committee recommended that except for the two occupants figured at serial Nos. 19 and 23 be asked to vacate the bungalows/houses immediately after the conclusion of the election process so that the accommodations occupied by them will be made available for allotment in terms of the regulations of the Allotment of Accommodations and considered the allotment of the aforesaid two occupants under discretionary quota available with Minister Incharge Estates Department.
4. The Committee further resolved that all the ex-legislators/political persons occupying estates accommodation of type I to V shall be allowed to retain the said accommodation till completion of the election process in

the UT of Jammu and Kashmir and after that they can apply afresh as per their status, entitlement and availability under the discretionary quota subject to the condition that all the pending dues are cleared by them within a period of two weeks.

5. Mr. S.S. Ahmed, learned counsel for the petitioner submits at the Bar that despite filing of the aforesaid status report dated 11.09.2024, no steps have been taken to evict the aforesaid unauthorized occupants who have been holding the estates accommodations, without being entitled to retain the same for the years now.
6. Mr. S.S Nanda, learned Sr. AAG while appearing for the respondents, however, submits in rebuttal that four of the aforesaid occupants on a request made by the Estates department, have vacated their accommodations and others have also been requested to do the needful.
7. It is very strange that only a request is being made to the occupants, who have been shown as unauthorized occupants after their no legal entitlement to hold the accommodations they have been holding. The Estates department has not come forward clearly as to why it had not issued eviction orders even after conclusion of the assembly elections in the UT of Jammu and Kashmir and formation of a new Government, so as to evict the unauthorized occupants from the accommodations that they are holding without any legal authority. It has been brought to our notice that the ex-ministers who had been allotted the VIP bungalows at the time when they were ministers have been holding the same accommodation even after ceasing to be ministers or even legislators.
8. The respondents have not also clearly filed response with regard to the direction passed by this Court on 03.04.2024 to explain as to why the

Estates department has not charged rental of the accommodations held by the unauthorized occupants at commercial rates for holding the same without any office as of now.

9. This Public Interest Litigation (PIL) has been subjudice before this Court since the year 2020 and the respondents have been proceeding in the matter at snail's pace. The respondents are, thus, directed to file the latest status report before the next date of hearing indicating therein:

- (i) **Whether the respondents have taken steps for eviction of the unauthorized occupants in accordance with law, as per the list that has been furnished to the designated committee;**
- (ii) **How many unauthorized occupants in the list that had been submitted by the Estates Department to this court have been issued eviction notices and evicted; and**
- (iii) **Why the commercial rental charges have not been ordered to be paid by the unauthorized occupants for the period when they were not entitled to hold the official accommodations.**

10. The Commissioner/Secretary to Government of Jammu and Kashmir Incharge Estates Department shall appear in person, to explain whole of the matter on next date of hearing.

11. List again on **12.12.2024** for further consideration.

(M A CHOWDHARY)
JUDGE

(TASHI RABSTAN)
CHIEF JUSTICE

JAMMU
07.11.2024
Naresh/Secy.