



Sr. No. 01

2022:JKLHC-JMU:718

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(Through Virtual Mode)

WP(C)PIL 17/2020 CM(7532/2023)
CM(3100/2020) CM(4334/2025)
CM(7188/2024) CM(4083/2023)

PROF S K BHALLA

...Petitioner(s)/appellant(s)

Through: Mr. S. S. Ahmad, Sr. Advocate with
Ms. Supriya Chauhan, Advocate

Vs.

**THE UNION TERRITORY OF J AND K AND
ORS**

...Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER

12-10-2026

1. Learned senior counsel appearing for the petitioner has drawn the attention of this Court to the order dated 26th December, 2022, whereby the Hon'ble Division Bench of this Court had categorically refused to protect any of the persons against eviction from Government properties on the ground of security, and thus any protection being available to incumbents in question namely Mr. Ghulam Nabi Azad, former Chief Minister of Jammu and Kashmir, and Mr. Ravinder Raina, former President BJP J&K Unit, also is not in accordance with law.

2. Learned senior counsel for the petitioner further submits that in the name of security, any unauthorized occupation of Government accommodation cannot be protected. In support of his submissions, learned senior counsel has placed reliance upon the judgment of the Hon'ble Supreme Court in "*S. D. Bandi v. Divisional Traffic Officer, KSRTC & Ors*" reported as **2013 (12) SCC 631**, & the judgment of the High Court of Delhi in "*Dr. Subramanian Swamy v. Union of India & Anr*" passed in WP(C) No. 7868/2022.



3. Learned Senior AAG, Ms. Monika Kohli, appearing for the respondents, has drawn the attention of this Court to the compliance report dated 12th September, 2026. Ms. Monika Kohli, learned Senior AAG, submits that, pursuant to the directions issued by this Court, the cases concerning the retention of the residential accommodation by Mr. Ghulam Nabi Azad and Mr. Ravinder Raina were placed before the designated committee in its meeting held on 14-08-2026, whereby the designated committee recommended continuation of the allotments in favor of both the aforesaid political persons.

4. Ms. Monika Kohli, learned Senior AAG further submits that the recommendations of the designated committee were then placed before the competent authority for consideration, and after due and careful consideration, the competent authority allowed the retention of the residential accommodation by the aforesaid two persons until March, 2027, or until the next review, whichever is earlier.

5. This Court on such submissions has posed a question to Ms. Monika Kohli, learned Senior AAG, as to what is the policy in the UT of J&K which govern the retention of Government accommodation, which has been applied in the present case, and wherefrom the designated committee derives its power to consider whether such Government accommodation has to be retained by the political persons.

6. Ms. Monika Kohli, learned Senior AAG seeks some time to address the issues by filing an appropriate affidavit and to assist this Court regarding the uniform policy, which, as per her, is applicable for retention of Government accommodation to political persons and has been exercised in the present matter. Time prayed is allowed.

7. List on 12th November, 2026.

(RAJESH SEKHRI)
JUDGE

(DR. PUSHPENDRA SINGH BHATI)
CHIEF JUSTICE

SRINAGAR
12-10-2026
Aamir