

**HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

(Through Virtual Mode)

OWP No. 1750/2015 c/w
CCP No. 68/2020
OWP No. 641/2016
OWP No. 595/2016

Mohammad Yaseen Shah

..... Petitioner(s)

Through: -

*Mr M. I. Qadri, Senior Advocate with
Mr Naveed Gul, Advocate
Mr M. Y. Bhat, Advocate
Mr J. A. Kawoosa, Advocate
Mr Nisar Ahmad Bhat, Advocate*

V/s

State of JK & Ors.

..... Respondent(s)

Through: -

Mr B. A. Dar, Sr. AAG.

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge.

(ORDER)

16.09.2020

OWP No. 1750/2015:

*Mr M. Y. Bhat, Advocate for the petitioners.
Mr B. A. Dar, Sr. AAG for respondents.*

01. By order dated 11th of February, 2020, this Court directed as
under:

*“Mr B. A. Dar, learned Sr AAG to update the response/
compliance of orders passed on 08.08.2018, 23.10.2018 and
13.11.2018.*

*Principal Secretary to Government, Estates Department, shall
submit the details of unauthorized occupants evicted from Ministerial
Bungalows/ Special houses (A-type, B-type and C-type quarters) till
date. The Principal Secretary to Government, Estate Department,
shall also provide the details of former ministers/ legislators/ retired*

officers/ politicians who are occupying the Ministerial Bungalows/ Special Houses (A-type, B-type and C-type quarters) both in Srinagar and Jammu, within a period of two weeks. The respondents shall also ensure that all unauthorized occupants Ministerial bungalows/ Special Houses (A-type, B-type and C-type quarters) both at Jammu and Srinagar, are evicted forthwith. The respondents shall also ensure that outstanding rent from both authorized and unauthorized occupants of the Ministerial Bungalows/ Special Houses (A-type, B-type and C-type quarters), are recovered, by even applying the provisions of Land Revenue Act.”

02. Compliance Report in relation to the aforesaid directions passed by this Court stands filed on behalf of the Principal Secretary to Government, Estates Department, wherein at paragraph Nos. 3 to 7, it has been stated as under:

“3. That it is respectfully submitted that the answering respondent has been very prompt to comply with the orders of this Hon’ble Court and in filing compliance to directions thereof.

4. That so far as the details of unauthorized occupants evicted from Ministerial Bungalows/ Special Houses (A-type, B-type and C-type quarters) at Srinagar/ Jammu, till date, it is submitted that over 200 evictions have been effected so far. A copy of updated statement indicating the details is enclosed as Annexure-I.

5. That so far as the details of former ministers/ legislators/ retired officers/ politicians who are occupying the Ministerial Bungalows/ Special Houses (A-type, B-type and C-type quarters) in Srinagar and Jammu are concerned, a copy of updated statement indicating the details is enclosed.

6. That so far as the eviction of unauthorized occupants of Ministerial Bungalows/ Special Houses (A-type, B-type and C-type quarters), both at Jammu and Srinagar are concerned, the answering respondent submits that the Estates Department is taking all the possible steps to ensure eviction of all the unauthorized occupants and in this regard process of eviction has already been initiated and notices have been served to them as an last and final opportunity.

7. That so far as recovery of outstanding rent from both authorized and unauthorized occupants are concerned Deputy Director Estates Srinagar/ Jammu stands directed to recover all outstanding rent from occupants of the Ministerial Bungalows/ Special Houses (A-type, B-type and C-type quarters) vide communication dated 14-02-2020 and further both the Deputy Directors have started recovering pending rent from all the occupants.”

03. Perusal of the Compliance Report so filed by the Principal Secretary to Government of Jammu and Kashmir, Estates Department, alongwith annexures appended thereto, reveals that a large number of Former Ministers/ Former MLAs/ Retired IAS Officers/ MLCs/ Political persons are still unauthorizedly residing in Ministerial Bungalows as well as A, B and C-type accommodation of the Estates Department, both at Jammu as well as at Srinagar. Besides, it is also forthcoming that huge amount, in lakhs of rupees, is outstanding on account of rent against these categories of authorized/ unauthorized occupants and that no effective steps have been taken by the Department either to vacate the said persons or recover the outstanding amount from them, despite there being directions passed by this Court from time to time.

04. In view of the above, Mr B. A. Dar, learned Senior Additional Advocate General, seeks and is granted 10 days' time to update the status/ compliance, on the Affidavit of the Principal Secretary/ Secretary to Government of Jammu and Kashmir, Estates Department, as regards the directions passed by this Court *qua* eviction of such Former Ministers/ Former MLAs/ Retired IAS Officers/ MLCs/ Political persons, who are still unauthorizedly residing in Ministerial Bungalows as well as A, B and C-type accommodation of the Estates Department; both at Jammu as well as at Srinagar and recovery of outstanding amount from the authorized/ unauthorized occupants. Besides, the Affidavit shall also furnish the details of recoveries, if any, made of the outstanding amount of rent from these authorized/ unauthorized occupants on the basis of the calculations made in accordance with the norms governing the subject.

05. List on 28th of September, 2020.

CCP(S) No. 68/2020:

Mr Nisar Ahmad Bhat, Advocate for the petitioner(s).
Mr B. A. Dar, Sr. AAG for respondents.

06. Mr B. A. Dar, learned Senior Additional Advocate General, representing the respondents, shall, by the next date of hearing, file the Statement of Facts/ Compliance Report with copy in advance to the other side.

07. List as above.

OWP No. 641/2016:

Mr M. I. Qadri, Senior Advocate with Mr Naveed Gul, Advocate for the petitioner(s).
Mr B. A. Dar, Sr. AAG for respondent Nos. 1 to 3
Mr Nisar Ahmad Bhat, Advocate for R-4.

08. Let the parties complete their pleadings by the next date of hearing.

09. List for consideration as above.

10. Interim directions, if any, in force as on date, to continue till the next date of hearing before the Bench.

OWP No. 595/2016:

Mr J. A. Kawoosa, Advocate for the petitioner(s).
Mr B. A. Dar, Sr. AAG for respondents.

11. Mr J. A. Kawoosa, learned counsel for the petitioner(s), submits that despite directions from this Court, the instant petition has not been listed by the Registry alongwith these connected matters.

12. In view of the urgency expressed by Mr Kawoosa, the Writ petition is taken on board today itself and is directed to be listed for consideration as above.

13. Interim directions, if any, in force as on date, to continue till the next date of hearing before the Bench.

14. Copy of this order be provided to Mr B. A. Dar, learned Senior Additional Advocate General, under the Seal and Signatures of the Additional Registrar-cum-Bench Secretary of this Court, today itself.

(Ali Mohammad Magrey)
Judge

SRINAGAR

September 16th, 2020

"TAHIR"

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| i. | <i>Whether the Order is reportable?</i> | <i>Yes/ No.</i> |
| ii. | <i>Whether the Order is speaking?</i> | <i>Yes/ No.</i> |