

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

CJ Court

Case: WP(C)PIL No. 17/2020

Prof S K Bhalla

.....Appellant/Petitioner(s)

Through :- Mr. S.S. Ahmed, Advocate.

v/s

UT of J&K & Ors.

.....Respondent(s)

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

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
03.04.2024

01. State had filed a report on 23.02.2024 regarding 43 persons who are reportedly occupying Government accommodation which according to learned counsel for the petitioner is contrary to the regulations and also various orders passed by this Court in this regard.

02. In the said report filed before this Court on 23.02.2024, various reasons have been assigned for providing official accommodation to these 43 persons, which have been contested by learned counsel for the petitioner, who in turn has submitted an affidavit on 19.09.2023 which indicates that most of these 43 persons mentioned have their own respective houses or places of accommodation and, as such, do not deserve any further Government accommodation.

03. At this stage, we do not wish to go into the case of each and every individual mentioned in these two reports which appear to be conflicting.

04. Under these circumstances, we direct respondent Nos. 2 and 3, Director Estates, Jammu and Director Estates, Srinagar to deal with each

and every person mentioned from S.No.1 to 43 and pass specific individual orders either for cancellation of accommodation and eviction therefrom, or allotment thereof by giving specific reasons for doing so. We make it clear that if the accommodation of any individual mentioned in this report is continued, specific reasons supported by necessary materials, must be provided before this Court so that this Court will examine as to whether the authorities have taken an appropriate and fair decision as regards the Government accommodation being presently provided to these 43 persons.

05. The Director Estates, Jammu and Director Estates, Srinagar both shall also hear all these 43 persons individually before any such order is passed. In other words, Director, Estates, Jammu and Director Estates, Srinagar will pass specific individual orders in respect of each and every 43 persons aforementioned after hearing them and such separate individual orders shall be placed on record by the next date of hearing.

06. The Director Estates, Jammu and Director Estates, Srinagar will also inform the Court, how much rentals these 43 persons had been paying with supporting documents/receipts since the time they ceased to hold the offices on the basis of which they were allotted these official accommodations and why they have not charged rental at commercial rates since they are not holding any office as of now.

07. It goes without saying that while passing such separate orders in respect of the aforesaid occupants, the authorities shall keep in mind the provisions of the J&K Estates Department (Allotment of Government Accommodation) Regulation, 2004 and also various orders passed by this

Court including the order passed by this Court in CM No.7467/2022 and CM No.7468/2022 in WP(C) PIL No. 17/2020.

08. Let the aforesaid exercise shall be undertaken by the Director, Estates, J&K within a period of one month from today and the authority shall furnish details by way of filing an affidavit before this Court on or before 08.05.2024 along with the relevant documents with regard to the action taken viz-a-viz individuals mentioned in the report.

(MA CHOWDHARY)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

JAMMU
03.04.2024.
Eva

