

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

PIL No.4/2017

Sumit Nayyar

...Petitioner(s)/Appellants.

Through: Petitioner present in person.

Vs.

Union of India and others.

....Respondent(s)

Through: Mr. S. S. Nanda, Sr. AAG.
Ms. Monika Kohli, Sr. AAG.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE, M. A. CHOWDHARY, JUDGE

ORDER
20.12.2023

Through the medium of the present Public Interest Litigation, the petitioner seeks the following relief:

“Petition in the nature of writ of mandamus commanding the respondents to make development/ improvement of the Mantalai-Sudh Mahadev including temples for the tourist infrastructural facilities which attracts a large number of tourists every year both in summer and winter season and also the immovable and movable property of the Swami Dharendra Brahmachariya which is at about 1002 kanals of land at Mantalai, ashram at katra and a seven storey building at Gandhi Nagar Jammu as expeditiously as possible.”

Keeping in view the prayer clause of the petition (supra), we are of the view that it is an administrative matter to be dealt with by the Government Administration inasmuch as the issue raised does not involve settlement or enforcement of any legal right. The appropriate remedy available to the petitioner is to approach the concerned authorities and to

seek development of the area, which the petitioner considers to be of vital importance for the tourist purpose.

At this stage, the petitioner appears in person and prays that he may be given liberty to approach the concerned authorities seeking redressal of the grievances as projected in paragraph-11 of the writ petition. For ready reference, paragraph-11 reads as under:

“11. That it is further submitted that the Mantalai ashram was taken over by the respondent no.6 on 19.12.2009 after the state government identified the place to develop a wellness center to promote tourism in the region. The state government has roughly spent 14 lakh rupees on patch works of the road inside the ashram since December, 2009 and till date nothing has been done, land are not being cultivate and the livestock comprising three deer are being looked after by the wild life department. A multi storey Aparna Ashram situated in posh Gandhi Nagar area in Jammu is also lying unutilized. Even his room which contained, idol of Ganesh, Shankh, large wooden bed, yoga books, layout plan of Gole House, deer print shawls, scarfs and other belongings have been kept intact which his wife dhotis, towels have been eaten by rats. Most of the items of daily use including fittings and furnishings of the ashram are un serviceable, damaged and broke. The store rooms contain mostly rotten and torn bed sheets, yoga suits, under garments, blood pressure apparatus, dinner/tea sets, telephone apparatus, clothes, personnel belongings of yoga guru, utensils. The big inventory inside the ashram has been handed over taken without any inventory. After the death of guru the ashram was closed own and the state government failed to recover its taxes.”

The prayer sought for by the petitioner is allowed and the petitioner may be at liberty to approach the competent authority as regards the issue mentioned in paragraph 11 of the writ petition (supra) and the competent authority shall deal with the same in accordance with law.

The writ petition is, accordingly, disposed of.

(M. A. CHOWDHARY)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

Srinagar
20.12.2023
Abdul Qayoom, Secy.

