

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

**WP (C) No. 1438/2023
CM No. 3380/2023**

Hafeeza Begum & Ors.

... Petitioner(s)

Through: -
Mr Zaffar Qadri, Advocate.

V/s

Union Territory of JK & Ors.

... Respondent(s)

CORAM:

Hon'ble Mr Justice Tashi Rabstan, Judge.

(ORDER)

09.06.2023

01. It is submitted by the learned counsel for the petitioners that the petitioners will not pursue the claim made in the writ petition with regard to prayer (c) of the relief clause, whereby the petitioners have sought a writ of mandamus directing the respondents to pay compensation to the petitioners. The statement of the learned counsel is taken on record and prayer (c) in the relief clause shall be deemed to have been deleted, accordingly.

02. The case projected by the petitioners is that the son of the petitioner No.1 and brother of petitioner Nos. 2 to 4, namely, Arshad Ahmad Mir (*alias* Meer), was working in the Police Department as a Probationary Sub Inspector and was posted at Police Station, Khanyar, Srinagar. While performing his official duties, he, along with a team of police officials, was deputed for medical check-up of a detainee in nearby Government Gousia Hospital, Srinagar and after the medical check-up of the detainee, as the team was returning to Police Station, Khanyar, militants attacked the team in broad day light, wherein ASI Arshad Ahmad Mir was shot from point black range, as a result whereof he attained martyrdom on 12th of September, 2021. Accordingly, Police Station, Khanyar is stated to have lodged an FIR bearing No. 73/2021 with respect to the said incident.

Thereafter, the petitioners claim to have, accordingly, approached the Department for issuance of death certificate, which was granted in their favour on 14th of September, 2021. Subsequently, the Senior Superintendent of Police (SSP), Srinagar issued a communication dated 1st of October, 2021 addressed to the Deputy Commissioner, Kupwara with a request to issue dependent/ legal heir certificate in favour of the petitioners *qua* the deceased Arshad Ahmad Mir. It is further stated that the Tehsildar concerned issued legal heir certificate on 6th of October, 2021, whereby the family details of the deceased were shown, besides the Tehsildar also issued the NoK certificate on 10th of January, 2022, whereby it was made clear that the certificate has been issued on the basis of enquiry conducted by Naib Tehsildar, Ramhall, Tarathpora, Kupwara. The grievance of the petitioners, however, is that despite repeated requests, the respondents have not issued the dependency certificate in their favour *qua* the deceased Arshad Ahmad Mir, notwithstanding the communications issued in this behalf by SSP, Srinagar and Deputy Commissioner, Kupwara, thereby constraining the petitioners to knock at the portals of this Court through the medium of the present writ petition.

03. Having regard to the nature of relief sought for and in view of submissions made by the learned counsel for the petitioners, I deem it appropriate to dispose of the instant writ petition with a direction to the respondents, more particularly respondent No.5/ Tehsildar, Ramhall, Tarathpora, Kupwara, to consider the claim of the petitioners for issuance of dependency certificate in their favour with respect to the deceased Arshad Ahmad Mir, of course, in accordance with the rules governing the field, as expeditiously as possible, preferably within four weeks from the date a copy of this order is made available to the respondents.

04. **Disposed** of as above, along with the connected CM.

(Tashi Rabstan)
Judge

SRINAGAR
June 9th, 2023
"TAHIR"