

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 3415/2023
CM 8242/2023

Naima Sara & Others

...Appellant(s)/Petitioner(s)

Through: Mr. Shuja ul Haq, Adv.

Vs.

U.T of J&K and Others.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.

ORDER

28.12.2023

The petitioners claim that they are Ex-Municipal Counselors of Srinagar Municipal Corporation and, therefore, perceive a security threat to their life and property. The petitioners further submit that, in their capacity as Municipal Counselors, they were allotted Municipal flats at Devi Angan (Makhdoom Sahab), Srinagar, from where they are being evicted by the respondent-Municipal Corporation.

The short grievance projected by the petitioners is that, in case they are evicted from the allotted accommodations, they would be exposed to a threat to their life and property.

Heard learned counsel for the petitioners and perused the material on record. Admittedly, the accommodation in possession of the petitioners was allotted to them in their capacity as Municipal Counselors of Municipal Corporation, Srinagar. The term of their office has expired and, therefore, they are no longer the Municipal Counselors. That being the position, they have no legal right to retain the allotted accommodation.

The plea of learned counsel for the petitioner that if they are evicted from the allotted accommodation, they will be exposed to a threat to their life and property is something which can be considered by the respondents at their own level.

Needless to say, that duty to protect the life and property of its citizens lies on the Government and the law and order machinery at its disposal. The Courts cannot become expert in the matter and issue directions to provide a particular type of security to a particular person facing a particular kind of threat.

For the reasons aforementioned, this Court is not inclined to grant any protection to the petitioners insofar as the Government accommodation under their possession is concerned. They have outlived their term of office and, therefore, are under obligation to surrender the possession of allotted accommodation to the Municipal Corporation. So far as threat perception is concerned, a direction is issued to Additional Director General of Police (CID), Jammu and Kashmir, to place the cases of the petitioners before designated Committee to assess the threat perception, if any, faced by the petitioners and based upon such assessment to provide requisite security to the petitioners so as to protect their life and property.

Let the matter with regard to threat perception, if any, faced by the petitioners be placed before the Competent Authority within a period of two weeks from today, and a decision thereof shall be taken within a period of four weeks thereafter. I make it clear, it is up to the respondents to take steps for the eviction of the petitioners if they do not surrender possession voluntarily. The respondents, however, may take into the consideration the

fact that the matter with regard to the threat perception is under consideration of the Competent Authority.

Disposed of.

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

28.12.2023

“Mir Arif”

