

Regular List
Serial No. 03

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

OWP No.10/2013

Date of pronouncement : 11.11.2025

Uploaded on :08.01.2026

Harkewal Singh & Ors.

....Petitioners

Through:- Ms. Shivani Jalali, Sr. Advocate with
Mr. Neeraj Verma, Advocate

V/s

**State Home Department &
Ors.**

.....Respondents

Through:- Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)

1. In this writ petition, following reliefs came to be claimed by the petitioners against the respondents:-

- (i) **Issue a writ of mandamus directing the concerned respondents to hand over the possession of guest house namely 'Atlas guest house' comprising of 30 rooms and one dormitory situated in three different buildings along with land measuring 3 kanals and 16 marlas under survey No.743 appurtenant to the said guest house.**
- (ii) **to direct the respondents to pay the assessed rent of the guest house under**

the occupation of security forces @Rs.20,460/- per month (Rs. Twenty Thousand, Four hundred and sixty only/PM) the said rent having been worked out under govt. order 408/IAS of 1991 with a further direction to pay interest @18% on the arrears of rent which have accrued to the petitioners as a result of withholding the rent over for 17 years, with a further prayer to grant such compensation for use and occupation @ Rs. 2 lacs per month which shall accrue on their failure to hand over the possession and loss caused to the property from the date the police was asked to vacate the premises.

(iii) pay such other rent on enhanced rate as is admissible under the relevant govt. order or has been paid to similarly circumstanced people.

(iv) grant any other relief which the Hon'ble court may deem fit and proper in the nature and circumstances of the case.

2. When enquired from Ms. Shivani Jalali, Sr. Advocate with assisting counsel Mr. Neeraj Verma, Advocate as to whether the petitioners, as on date, are in vacant possession of the premises in reference having received the same from J&K Police which was occupying it till 20.10.2013, the learned Senior Advocate, Ms. Shivani Jalali submits that the premises in reference is now in full use and occupation of the petitioners and to this effect

petitioners have no grievance against the J&K Police and thus relief No.1 stands self earned.

3. By virtue of order **No.2450/2017** dated **21.07.2017** passed by the Police Headquarter (PHQ) J&K, sanction for payment of rent with effect from **28.05.1995** to **31.03.2003**, of the guest house premises, then in rent reference, to the petitioners by the J&K Police came to take place.
4. With reference to payment of rent for the period with effect from April 2003 onwards till the complete vacation of the premises in reference having taken place in October 2013, the payment of rent amount to **Rs.25,98,420/-** also came to take place by transfer of the money by virtue of a Detailed Bill of Contingency Charges accompanying the compliance report dated **24.03.2025** filed by the Superintendent of Police, Hazaratbal.
5. Ms. Shivani Jalali, learned Senior Advocate endorses the fact of payment of rent for the aforesaid two periods i.e., **28.05.1995** to **31.03.2003** and from April 2003 to October 2013.
6. Thus, in one respect, the writ relief claimed in the petition stands granted because of the intervening development has taken place.
7. The petitioners in their petition had claimed the payment of rent **@20,460/-** per month and the

payment of the aforesaid amount of money has taken place in favour of the petitioner from the J&K Police as per the claimed rate of rent.

8. This Court, in terms of order dated **27.11.2024**, had made it explicitly clear that the payment of the balance amount of rent, as assessed in terms of communication dated **25.08.1998** as revised from time to time, in favour of the petitioners, in the light of the order dated **03.09.2013**, is to take place.
9. Communication referred in order dated **27.11.2024** is letter **No.3960-61** dated **25.08.1998** addressed by the District Superintending Engineer, R&B Srinagar/Budgam to the Director General of Police, J&K, Srinagar in which, the basis of computation of the rent for the use and occupation of the petitioners' guest house for the lodging of security forces came to be set out.
10. In terms of order dated **03.09.2013**, the respondent No.2-Director General of Police stood directed to release the admitted rent to the petitioners as per the said communication dated **25.08.1998**.
11. Since the rent due in favour of the petitioners has been duly paid and received with corresponding vacation of the demised premises also having taken place, this Court is of the view that the writ purpose stands served. Insofar as the relief with respect to

payment of damages/compensation @ **Rs.2 lacs** per month for use and occupation of the premises of the petitioners is concerned that was meant to take place in the event of the possession of the premises not been handed over to the petitioners.

12. The institution of the writ petition took place on **02.01.2013** whereas the vacation of the premises in reference came to take place in **October 2013** with full payment of rent having taken place for the entire period of use and occupation and, thus, the petitioners are not entitled to said relief of damages/compensation of Rs.2 lacs per month.

13. In view of the aforesaid, the writ petition is *disposed of*.

14. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

JAMMU
11.11.2025

Sneha

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No