Supplementary List-I
Serial No. 13

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CPOWP No. 76/2016
In
OWP No. 236/2010
c/w
OWP No. 236/2010
IA No. 845/2010
IA No. 718/2010
IA No. 315/2010
OWP No. 285/2010
IA No. 838/2010
IA No. 385/2010
IA No. 719/2010
OWP No. 368/2010
IA No. 503/2010
IA No. 708/2010

S. Teja Singh & Ors.

.....Petitioner(s)

Through: Mr. M. K. Bhardwaj, Sr. Advocate with
Mr. Manik Bhardwaj, Advocate.

Vs

Deepak Mohan, Chief Executive Officer, Cantonment Board, Jammu Cantt. Jammu.

.....Respondent(s)

Through: Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, CGSC.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(20.12.2025)

01. These three connected writ petitions joined by a contempt petition are relatable to common cause of action.

02. Writ petition **OWP No. 236/2010** is the first one in point of time preferred by three petitioners being aggrieved of the prohibition and prescription set out by the Chief Executive Officer, Cantonment Board, Jammu Cantt, Jammu in a Public Notice No. CBJ/2417 dated 01.03.2010.

03. The pinching part of the Public Notice relatable to the petitioners is that when the Chief Executive Officer, Cantonment Board, Jammu Cantt, Jammu mandated that no person/owner/occupier of a private building or land shall be authorized to place any advertisement/hording on his/her building/land.

04. The petitioners reckoned said prescription by the Chief Executive Officer, Cantonment Board, Jammu Cantt, Jammu without any statutory basis and rightly so because the Public Notice itself did not reveal as to under which enabling provision of law referable to Cantonments Act, 2006, the said prohibition was being mandated.

05. Second writ petition **OWP No. 285/2010** came to be preferred by similarly aggrieved eight petitioners instituting the writ petition on 11.03.2010 by reference to the same Public Notice.

06. **OWP No. 368/2010** came to be preferred by the writ petitioner-Rajesh Padha again coming forward with the identical grievance relatable to the Public Notice dated 01.03.2010.

07. This Court, in terms of an order dated 09.03.2010, in OWP No. 236/2010 came to direct stay of operation of the impugned notice to the extent the petitioners are concerned meaning thereby the prohibition/prescription was made non-operational with respect to the petitioners *qua* their private property/land.

08. Identical direction came to be passed in OWP No. 285/2010 in terms of order dated 20.03.2010 and also in OWP No. 368/2010 in terms of order dated 08.04.2010.

09. Thus, all along pendency of said three writ petitions, the impugned command of the Chief Executive Officer, Cantonment Board, Jammu Cantt, Jammu vis-à-vis the petitioners relatable to their private property/land has remained non-starter.

10. These three writ petitions alongwith the contempt petition are disposed of by holding that without identifying the legal provision in terms of the Cantonments Act, 2006 read with rules and regulations framed therein for enabling exercise of police power by Chief Executive Officer, Cantonment Board, Jammu Cantt, Jammu in prescribing and prohibiting the owners of the private property located within the Cantonment Board, the exercise of authority by the Chief Executive Officer, Cantonment Board, Jammu Cantt, Jammu in terms of the directions issued in the impugned notice *per se* is not sustainable and, therefore, the petitioners were and are not to be governed by said mandate.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

11. The writ petitions are, thus, **allowed** and disposed of alongwith the contempt petition.

12. In case, the Cantonment Board shall reckon that it has statutory power at its disposal which enables it to come up with prescription and prohibition relatable to the use of private property/land situated within the jurisdiction of the Cantonment Board in the matter of putting up hoardings and advertisements by reference to the private building/land then the disposal of the present writ petitions shall not be prejudicial to the exercise of such statutory power at the end of the Cantonment Board.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

(RAHUL BHARTI)
JUDGE

JAMMU
20.12.2025
Shivalee