

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

WP(C) No. 1303/2025
CM No. 3096/2025

Sudesh Kumar & Anr

.....Petitioner(s)

Through: Mr. Vikas Mangotra, Advocate

Vs

UT of J&K & Ors.

..... Respondent(s)

Through: Mr. Atul Verma, Advocate for R-3&4

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER(ORAL)
26.05.2025

1. Mr. Atul Verma, Advocate appears and accepts notice on behalf of respondent Nos. 3 and 4.
2. Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioners seek the issuance of writs/ directions in the nature of mandamus and prohibition to the effect that the respondents be commanded to regularize their possession with regard to the space/premises where their forefathers/ancestors and after them, they have been running the occupation of selling Parshad to the pilgrims for earning their livelihood since the times immemorial and be further prohibited/restrained from initiating any process of eviction against them in respect of the said space/premises.
3. The case of the petitioners in nutshell is that their ancestors/forefathers and after them, they have been carrying out their traditional occupation of selling Parshad to the pilgrims coming to Bahu/Bawe Wali Mata Temple situated at Bahu Fort, Jammu, for earning their

livelihood initially in the shape of Kale Chane with Puri at a place under the old Bargad Tree situated at Bahu Fort, Jammu. That thereafter with the passage of time the area has been developed in different stages from time to time and small Kiosks and other structures came into being solely and gradually which at present were shifted/converted to pacca structures in the shapes of shops. That they have been running their traditional occupation of selling Parshad to the pilgrims from places which are now in the shape of pacca structures. That their forefathers and now they were always being told by the concerned Government officials that since their forefathers were occupying this space since long, as such, their occupation/possession shall be regularized as per the scheme/policy which was in vogue at the time when the construction were raised where the forefathers of the petitioners were/are occupying the space and running their livelihood. That though there is no immediate threat to the position of the petitioners yet at the same time there is also no concrete steps taken with regard to the regularization of their possession/occupation. That few days back some officials reportedly from the Department of respondent Nos. 3 and 4 came to the site and started inquiring about the length of period of their possession/occupation over the kiosks. That they told the officials their complete history/tale, but they have not given any positive response and also not exhibited any intention for regularization and instead dropped visible hints of starting action against them. That

faced with the above submitted facts and situation, they approached the office of the respondent No.3 by filing a detailed representation requesting for regularizing the premises as per the schemes and policies whereby similarly situated peoples have been given the benefit of regularization/alternate spaces for earning their livelihood. That thereafter the office of respondent No.3 assured them that their request shall be considered by regularizing their possession and also assured that they shall not be evicted. That despite all the above efforts undertaken by them and repeated assurance extended by the respondents, nothing concrete has been done so far and on the other hand they are under the threat of forcible eviction. That Hon'ble the Supreme Court has come to the rescue of similarly situated persons to save their livelihood.

4. I have heard the learned counsel for the petitioners and considered his submissions.
5. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of even at this threshold stage by passing of appropriate orders, the direction under which is otherwise also to be carried out by the respondents out of their official obligations.
6. Accordingly, the instant petition is disposed of at this stage with the direction to the respondents to actively consider the representation of the petitioners for regularization of the spaces/premises occupied by them for selling Parshad to the pilgrims coming to the Bahu/Bawe

Wali Mata Temple situated at Bahu Fort, Jammu so that their fundamental rights to occupation and livelihood are not deprived from them. The respondents shall address their representation in the light of the averments/grounds taken by them in the instant petition within a period of **two months** within which period, they shall not be interfered with in respect of the premises/shops held by them.

7. ***Disposed of***

(Mohd. Yousuf Wani)
Judge

Jammu
26.05.2025
Vijay

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

