

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

Case:- CCP(S) No. 250/2025 in
WP(C) No. 1489/2023

Mohd. Afzal, Age 55 years
S/o Jamal Din Malik
R/o Village Sarh Bagga,
Tehsil Mahore, District Reasi.

.....Petitioner(s)

Through: Mr. Arshad Hussain, Advocate.

Vs

1. Kumar Rajeev Ranjan (IAS),
Union Territory of Jammu and
Kashmir through Commissioner
Secretary to Govt. Revenue
Department, Civil Secretariat, Jammu.
2. Nidhi Malik, (IAS),
District Development Commissioner,
Reasi.
3. Naresh Kumar, Chief Planning Officer,
Reasi.
4. Ramesh Kumar, Superintendent
Engineer PWD Circle Reasi.
5. Naimtullah Khan, Executive Engineer
PWD, Division Mahore.

..... Respondent(s)

Through: Mr. Ravinder Gupta, AAG.

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

ORDER
(29.07.2025)

1. The petitioner approached this Court with a writ petition WP(C) No. 1489/2023 bearing a short grievance therein that despite having executed and completed the works of restoration of various roads in the year 2019-21 at the estimate cost of Rs. 13.36 lacs as per the assessment of the Executive Engineer, PW (R&B) Department, Special Sub Division, Mahore and having admitted liability to be owed in favour of the petitioner, the same being not

done be allowed to be directed to be carried out by a writ of mandamus.

2. Learned counsel for the petitioner invited the writ court that the petitioner would feel satisfied if the writ petition be disposed of not on merits but by simply directing the writ respondents to consider the claim of the petitioner for release of the admitted amount due to him within some stipulated time.

3. The writ court accommodated the plea of the learned counsel for the petitioner by disposing of the writ petition with a direction to the writ respondents to consider and release the outstanding admitted liability due and payable to the petitioner for the works executed as per his entitlement, provided there is no legal impediment.

4. Disposal of the writ petition came to take place on 07.06.2023.

5. After almost a period of two years, the petitioner has come forward with the present contempt petition alleging therein that there is a defiance of compliance on the part of the respondents mentioned in the contempt petition in acting with the directions given by the writ court in terms of order dated 03.06.2023.

6. When posed a query by this Court as to what the petitioner was doing all along the period, particularly, upon expiry of three months period within which the writ respondents were commanded by this Court to consider the claim of the petitioner on merits and

dispose it of, the learned counsel for the petitioner submits that he was acting in good faith generated by the Executive Engineer concerned that the requisite has been spoken and addressed to the Higher ups and, therefore, wait till the outcome comes from the Higher ups.

7. This Court is not interested as what is being given to understand by the Executive Engineer concerned to the petitioner. The petitioner had no right to puncture the direction of this Court after having self invited the same and that was to deliver the certified copy of the order dated 07.06.2023 whereupon time limit of three months was to set upon the writ respondents to consider the outstanding admitted liability due and payable to the petitioner but it seems that the petitioner was having more trust in the Executive Engineer concerned rather than in the command of this Court and for this the petitioner has to suffer rejection of the present contempt petition being afflicted by delay and laches.

8. The fact that the petitioner is conscious of the fact that the institution of his contempt petition is afflicted with delay and laches is exhibited from the fact that in the contempt petition, the petitioner is referring in the paragraph No. 9 to the judgment of this Court following the mandate of judgment of the Hon'ble Supreme Court of India in the case titled **"Pallav Sheth Seth Vs. Custodian and Others"**.

9. The judgment so cited in the paragraph-9 is referable in the context of article 215 of the Constitution of India. There is no denial to the proposition of law as set out in the said citation of the Hon'ble Supreme Court of India but when it comes to matter of delay and laches that require an explanation to come from the litigant's end and it is in this context, the present contempt petition is being dismissed by this Court in limine that the petitioner had no right to accommodate the Executive Engineer/s, Superintending Engineer/s, Chief Engineer/s in the matter of compliance of the writ court order i.e. own leisure and pleasure.

10. Hence, the instant contempt petition is **dismissed**.

JAMMU
29.07.2025
Shivalee

(RAHUL BHARTI)
JUDGE

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