

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

Case: CPOWP No. 145/2018 IN
OWP No. 1755/2017

SDM Arya Samaj Wazir Bagh Srinagar

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

Through :- Mr. Sumit Pandita, Advocate

Vs

Ravideep Sahani IGP Srinagar and Ors.

.....Respondent(s)

Through :- Mrs. Monika Kohli, Sr. AAG with
Ms. Priyanka Bhat, Advocate

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
20.08.2025

01. The instant contempt petition arises out of the order/judgment dated 31.10.2017 passed by this Court in OWP No. 1755/2017 by virtue of which the writ petition preferred by the petitioner was disposed of by directing respondent No. 5 to consider the release of rent as assessed by respondent No. 4 vide order dated 26.10.2016 with respect to the property namely, Arya Samaj Temple Wazir Bagh, Srinagar, stated to be in occupation of the security forces upon proper verification of the claim of the petitioner/claimant, if there is no other impediment, preferably within a period of six weeks from the date of receipt of certified copy of said order.

02. Since the aforesaid order was not complied with within the time granted by this Court, the instant contempt petition was preferred way back in 2019.

03. Record reveals that various statement of facts was filed by the respondents from time to time and even a supplementary affidavit has also been filed on behalf of the petitioner on 27.05.2024.

04. Learned counsel for the respondents submits that she has filed fresh compliance report on behalf of respondent No. 2 i.e. Deputy Commissioner, Srinagar before the Registry today and copy of the same has been furnished to this Court, which is taken on record.

05. In the fresh compliance report preferred on behalf of respondent No. 2, it is apparent that the claim of the petitioner was examined in detail by respondent No. 2 and after meaningful consideration, a reasoned order dated 24.02.2025 vide No. DSC/ARA/(893)2024/1060-63 has been passed by virtue of which the claim of the petitioner was found to be devoid of any merit and stood rejected and copy of the aforesaid order has also been placed on record along with the compliance report.

06. From a bare perusal of the order of consideration, it is apparent that the petitioner was informed through e-mail to attend the office of Deputy Commissioner virtually on 22.02.2025 at 3:00 PM thereby providing ample opportunity for the petitioner to present his claim and the petitioner via video call attended the office of the concerned District Magistrate, whereunder, he was directed to produce/submit documents regarding title of the land in question.

07. The order further reveals that appellant/petitioner herein has failed to produce any documentary evidence regarding the title of the subject land in support of his claim. From a bare perusal of the aforesaid order of consideration by virtue of which the case of petitioner stood rejected, it is manifestly clear that after examining the revenue record in detail by Tehsildar South, Srinagar, who in his communication No. TSS/OQ/2362/24 dated 21.02.2025 has reiterated that the survey No. 1047 is recorded as a proprietary land belonging to Guru Datt Singh and others and there is no mention of Arya Samaj in the said survey number.

08. Thus, in light of the stand taken by the respondents that the petitioner could not produce any documentary proof with a view to prove his title in the name of Arya Samaj over the property in question, the case of the petitioner for rent assessment was rejected for the detailed reasons mentioned in the aforesaid order.

09. Heard learned counsel for the parties and also perused the detailed order of consideration passed by the respondents.

10. Since the direction of learned writ Court was specific to the extent of according consideration to the case of the petitioner for the release of rent as assessed by respondent No. 4 vide order dated 26.10.2016 with respect to the property namely, Arya Samaj Temple Wazir Bagh, Srinagar, stated to be in the possession of security forces, upon proper verification of the claim of the petitioner/claimant, if there is no other impediment, within the stipulated period of six weeks and the respondents after detailed scrutiny and perusing the record,

has passed a detailed consideration order that the land bearing survey No. 1047 is recorded as a proprietary land belonging to Guru Datt Singh and others and there is no mention of Arya Samaj in the said survey number and it has also been recorded that the petitioner has failed to produce any documentary evidence regarding title of the subject land in support of his claim and, accordingly, the case of the petitioner stood rejected.

11. Thus, in light of stand taken by the respondents coupled with the passing of detailed consideration order, no fruitful purpose will be served to keep this contempt petition alive, as the order/judgment passed by this Court stands complied with in its letter and spirit and, accordingly, proceedings in the instant contempt are ***closed***. Rule, if any, shall stand discharged.

12. However, petitioner will be at liberty to challenge the aforesaid order by way of appropriate proceedings, if so advised.

13. ***Disposed of***, accordingly.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
20.08.2025
Mihul