

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

**OWP No. 1245/2018  
IA No. 1/2018**

- 1. Pran Nath Koul,  
aged 67 years,**
- 2. Girdhari Lal Koul,  
Aged 79 years,**
- 3. Chunni Lal Koul,  
Aged 77 years**
- 4. Bushan Lal Koul,  
Aged 76 years  
All sons of late Shamboo Nath  
Koul  
R/o Budgam Kashmir,  
Presently residing at Bharat  
Nagar, Jammu** .....Appellant(s)/Petitioner(s)

Through: Mr. Dileep Bhan, Advocate

**Vs**

- 1. State of J&K  
Th. Commissioner Secretary,  
Revenue Department, J&K, Srinagar**
- 2. Deputy Commissioner, District Budgam, Kashmir**
- 3. Commandant 25<sup>th</sup> BN, CRPF, Budgam, Kashmir**
- 4. Union of India,  
Th. Ministry of Defence, New Delhi**

..... Respondent(s)

Through: Ms. Nazia Fazal, Assisting Counsel vice Mrs.  
Monika Kohli, Sr. AAG for R-1 & 2  
Mr. Sandeep Gupta, CGSC for R-3 & 4

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**  
**ORDER**  
**(16.07.2025)**

- 01.** Four (4) petitioners being real brothers and sons of late Shamboo Nath Koul came forward with the institution of

this writ petition on 05.06.2018 thereby claiming *writ of mandamus* unto the respondents for the sake of vacation of their residential premises as described in the writ petition situated in Pandit Colony, Budgam Kashmir being under the use and occupation of the Paramilitary Security Forces stationed by the District and Police Administration for which the petitioners used to be even paid rent.

**02.** Commandant 25<sup>th</sup> BN, CRPF, Budgam Kashmir figures as respondent No. 3 in the writ petition who in his response submitted on 09.10.2018 has come to submit that the use and occupation of the premises in reference started with D/29/ Battalion, CRPF housed by the State Police and remained in its occupation upto 11.12.2017 whereafter it came to be shifted to G/25 Battalion, CRPF and ever since then it is G/25 Battalion, CRPF which is in use and occupation of the premises in reference and that if any direction/order for vacation of the said building premises is received from the State Police then the occupant G/25 Battalion, CRPF would have no objection in the matter of vacation of the premises of the petitioners.

**03.** On behalf of the respondents No. 1 and 2, response/reply has been filed stating therein the title track of the property in reference confirming the status of the Shambu Nath Pandit and the petitioners being his sons as owner thereof.

- 04.** It is stated in the reply/response of the respondents No. 1 and 2 about the khasra numbers in which the land/residential property of Shambu Nath Pandit is located and the fact of payment of rent being paid to the owner through attorney holder Pran Nath Koul i.e. petitioner No. 1.
- 05.** Given the fact that the petitioners, as being owners of the premises in reference, are insisting upon its vacation on the plea that long wear and tear has left it in a dilapidated condition calling for immediate repairs and restructuring, as such, this Court cannot deny to the petitioners the indulgence in the matter and for that it is the District Magistrate, Budgam as well as the Senior Superintendent of Police, Budgam who are to be directed to undertake needful exercise for the purposes of seeking vacation of the residential premises of the petitioners from the use and occupation of the CRPF and handover the vacant possession to the petitioners at the earliest.
- 06.** Accordingly, this Court directs the District Magistrate, Budgam as well as the Senior Superintendent of Police, Budgam to undertake the requisite exercise and take the same to its logical end within a period of next six months starting from 01.08.2025 and ensure handing over of vacant possession of the premises in favour of the

petitioners and any other legal representative/s, if any, of the deceased petitioner-Shamboo Nath Koul alongwith recurrent payment of rent to the petitioners till the vacation of the premises in reference.

**07.** In the meantime, District Magistrate, Budgam and Senior Superintendent of Police, Budgam shall also undertake an exercise for relocation of the occupant-CRPF Battalion to new accommodation/premises in order to ward off any inconvenience to the Union of India in the matter of deployment of CRPF men for Law and Order and Security duty in Budgam district.

**08.** The writ petition is accordingly, ***disposed of.***



**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**16.07.2025**  
**SUNIL**

|                                        |          |               |
|----------------------------------------|----------|---------------|
| <b>Whether the order is speaking</b>   | <b>:</b> | <b>Yes/No</b> |
| <b>Whether the order is reportable</b> | <b>:</b> | <b>Yes/No</b> |