

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

Case: WP(C) No. 2731/2025

Veena Devi

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

Through :- Mr. Rohit Kotwal, Advocate

Vs

U.T. of J&K and Ors.

.....Respondent(s)

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

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
29.09.2025

01. The instant petition is pre-mature and not maintainable, as the petitioner has already availed the alternate remedy by preferring an appeal before the concerned Deputy Commissioner on 22.09.2025, which is still pending. However, it has been alleged that the Deputy Commissioner is deliberately delaying the matter and has refused to hear the petitioner, and till date no order has been passed in the said appeal. Since the rights of the petitioner stand violated and the respondents are allegedly bent upon evicting her, the petitioner being a widow, has approached this Court through the instant petition.

02. According to the petitioner, her husband, late Shri Ashok Kumar, was serving as a Head Constable in the Jammu and Kashmir Police Arms Zone. Respondent No. 3 had allotted family quarter No. 32, Block M at PHC Channi Himmat, Jammu, vide allotment order dated 04.02.2020. The said quarter was occupied by the husband of the petitioner, where the petitioner, her children, and her mother were also residing. Upon the untimely death of her husband, the respondents have started proceedings to evict the petitioner and her family, and

a final eviction notice dated 13.08.2025 has been issued directing her to vacate the said quarter within two weeks. The notice made it clear that in case the petitioner failed to vacate the quarter by or before 16.08.2025, further proceedings would be initiated against her. The said eviction notice has been impugned in the present petition.

03. Learned counsel for the petitioner further submits that since the appeal has been preferred by the petitioner well in time before the Deputy Commissioner, which till date was not accorded due consideration and feeling aggrieved of the inaction on part of the Deputy Commissioner, the instant petition has been preferred challenging the impugned order dated 13.08.2025.

04. Heard learned counsel for the petitioner at length as also Ms. Priyanka Bhat, Advocate appearing vice Mrs. Monika Kohli, learned Sr. AAG and perused the record. With the consent of learned counsel for the parties, the instant petition is taken up for final disposal at the threshold.

05. It is an admitted position that the petitioner has preferred an appeal through proper channel before the Deputy Commissioner, Jammu on 22.09.2025. The grievance is that the said appeal has not been accorded due consideration and, instead, the petitioner alleges that the Deputy Commissioner is arbitrarily delaying the proceedings with a view to ultimately facilitate her eviction from the quarter in question.

06. Since the Deputy Commissioner has failed to decide the appeal preferred by the petitioner, and the respondents were contemplating eviction, the instant petition has been filed under Article 226 of the Constitution seeking protection of her fundamental rights.

07. As the petitioner has already availed the alternate and efficacious remedy of appeal but without waiting for the outcome of the same, has

preferred this petition, the same is premature and not maintainable. Even this Court is not aware of the reasons why the said appeal is not being decided expeditiously or else whether the same has been decided as on date.

08. Without going into the merits of the controversy at this stage and keeping in view the peculiar facts and circumstances of the case, this Court directs respondent No. 5-Deputy Commissioner, Jammu to decide the appeal dated 22.09.2025 (if not decided already) preferred by the petitioner within a period of two weeks from today and in case, the concerned Deputy Commissioner, Jammu deems it proper to hear the petitioner, an opportunity of being heard be also provided to the petitioner, who will be at liberty to produce any documents substantiating her claim to retain the said quarter.

09. Till the decision is taken by concerned Deputy Commissioner within the aforesaid period, the status-quo as it exists today shall be maintained and the continuance of the same shall govern the outcome of the said decision which is likely to be taken by concerned Deputy Commissioner in the appeal already preferred.

10. Thus, the writ petition is, accordingly, '**disposed of**' along with connected application(s) in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
29.09.2025
Mihul

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