

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

**CPOWP No. 31/2014
In OWP No. 478/2013**

**Narlep Kour W/o
Late S. Harbhajan Singh,
R/o village Deedarpur,
Tehsil Handwara,
District Kupwara,
At present H. No. 14-A, Sector-12,
Guru Nanak Nagar, Jammu**

.. Appellant(s)/Petitioner(s)

Through: Mr. Dharamvir, Advocate

Vs

- 1. Suresh Kumar,
Commissioner/Secretary,
Home Department, Civil Secretariat,
Jammu**
- 2. Abdul Gani Mir,
DIG (Nodal Officer),
J&K, Jammu**
- 3. Ashok Parshad
Director General of Police,
J&K, Jammu**
- 4. Abdul Jabar,
Senior Superintendent of Police,
Kupwara**
- 5. Abdul Jabar,
Superintendent of Police,
Handwara**
- 6. Shalinder Kumar,
Divisional Commissioner,
Srinagar.**
- 7. Idrat Hussain Rafiqi
Deputy Commissioner,
Kupwara, Srinagar.**

..... Respondent(s)

Through: Ms. Nazia Fazal, Assisting Counsel
vice Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(30.05.2025)

- 01.** One Sardar Harbhajan Singh S/o Late S. Baj Singh permanent resident of village Deedarpora tehsil Handwara, district Kupwara came forward with institution of a writ petition **OWP No. 478/2013** in the context of his grievance that his residential property situated in village Deedarpora, tehsil Handwara district Kupwara is under occupation of JKP/JKAP since 1999 which occupation was said to be initially of three rooms and later added by two more rooms for which the payment of rent as settled by the District Rent Assessment Committee was payable in his favour but the same was not taking place.
- 02.** The writ so filed by the petitioner Sardar Harbhajan Singh came to be disposed by virtue of an order dated 03.10.2013 when the writ court came to direct the respondents No. 2 to 7 i.e. the DIG (Nodal Officer) Kashmir, Director General of Police, J&K, Jammu, the Senior Superintendent of Police, Kupwara, the Superintendent of Police, Handwara, the Divisional

Commissioner, Srinagar and the Deputy Commissioner, Kupwara, Srinagar to look into the matter and ensure that agreed rent due to the petitioner till date, if not already paid, gets paid to him within three months from the date copy of the order so passed by the High Court made available to them.

03. Being aggrieved that the requisite compliance of the writ court direction, as given in order dated 03.10.2013, has not taken place, the original petitioner Sardar Harbhajan Singh came forward with institution of the present contempt petition in March, 2014 and ever since then this contempt petition is on the docket of this Court for the last more than ten years in running.

04. The statement of facts on behalf of the contemnors/respondents 1 to 4 i.e. Commissioner/Secretary, Home Department, Govt. of J&K, DIG (Nodal Officer), Srinagar, Director General of Police, J&K Jammu & SSP, Kupwara came to be filed on 29.05.2014 wherein it came to be admitted that the petitioner Sardar Harbhajan Singh is the owner of the house in reference of which JKP/JKAP was in occupation of the accommodation and that the matter of payment of rent at the assessed rate was pending sanction from the end of

the Deputy Commissioner, Kupwara upon receiving which the same would be released in favour of the petitioner, meaning thereby what was meant to be done at the end of the writ respondents within a period of three months from the date of receipt of copy of order dated 03.10.2013 was yet to be done at the time of filing of statement of facts on 29.05.2014 and that made the contempt petition to stay alive on the docket of this Court.

- 05.** The situation constrained this Court to pass an order dated 18.12.2021 in which this Court came to register its concern that for the last more than seven years the matter has been pending with Police Authority without any justification and rationale and, therefore, cautioned the officers concerned to take notice of the dereliction on their part in extending relief in favour of the aggrieved petitioner.
- 06.** Deputy Commissioner, Kupwara came to be impleaded as a contemnor in the contempt petition in terms of an order dated 08.12.2021 and time was granted for compliance of direction as given in order dated 08.12.2021.
- 07.** During the pendency of this contempt petition, the original petitioner Sardar Harbhajan Singh expired on

30.01.2018 and nobody from his legal heirs/legal representatives bothered to come forward to apprise this Court.

08. It was only on 18.07.2022 that Smt. Narlep Kour widow of the petitioner Sardar Harbhajan Singh came forward with an application **CM No. 4318/2022** seeking her impleadment as legal representative in the case so as to pursue the contempt petition to its logical end. Application being time barred was accompanied with an application **CM No. 4317/2022**.

09. In her application for bringing herself on record as legal representative, applicant Smt. Narlep Kour did not mention as to who are the other legal heirs/legal representatives, if any, of the original writ petitioner Sardar Harbhajan Singh other than herself as being widow.

10. In terms of order dated 26.09.2022, applications **CM No. 4317/2022 and CM No. 4318/2022** came to be disposed of thereby bringing on record Smt. Narlep Kour as legal representative of the petitioner Sardar Harbhajan Singh in the contempt petition and that is how the present contempt petition is being pursued with effect

from **26.09.2022** by Smt. Narlep Kour as legal representative of her husband.

11. An application **CM No. 6515/2022** came to be preferred by the legal representative—Smt. Narlep Kour for impleading the then Deputy Commissioner, Kupwara, Srinagar as the party respondent/contemnor in the contempt petition.
12. The second statement of facts came to be filed in the case on behalf of the SSP, Kupwara on 01.07.2022 through Additional Advocate General – Mr. Raman Sharma wherein it came to be mentioned that rent case of the writ petitioner is pending with the Deputy Commissioner, Kupwara (as Chairman District Rent Assessment Committee, Kupwara). It came to be submitted that a fresh occupation certificate with respect to the building premises of the writ petitioner – Sardar Harbhajan Singh has been issued in April, 2022 which was forwarded to the Deputy Commissioner, Kupwara requesting him to settle the rent case and accord sanction of the house rent, so as to clear the rent dues as per the rates sanctioned by the District Rent Assessment Committee, Kupwara.

- 13.** In terms of an order dated 23.12.2022, this Court directed fresh statement of facts to be filed in the case.
- 14.** In terms of order dated 16.06.2023, it came to be submitted on behalf of the Deputy Commissioner, Kupwara that he would adopt the statement of facts submitted earlier in the case and that is how the case got posted for consideration.
- 15.** When this Court, in terms of order dated 07.08.2023, registered its shock that an order of 2013 was awaiting compliance even after expiry of more than ten years and as a matter of caution before taking any harsh step granted two weeks' time to the Deputy Commissioner, Kupwara to comply with order dated 03.10.2013, time was sought from this Court for filing statement of facts in the instant contempt petition by the Deputy Commissioner, Kupwara which came to be granted in terms of an order dated 23.08.2023.
- 16.** A compliance report dated 04.09.2023 came to be submitted by Ms. Ayushi Sudan, the Deputy Commissioner, Kupwara, wherein it came to be stated that in the meeting of District Rent Assessment Committee held on 29.08.2023 sanction has been accorded to fixation of rent of the building occupied by

the Police Department at village Deedarpora in the year 1999 as per the sanctioned schedule of rates.

- 17.** The Statement of facts was accompanied with an **order No. 162-DDCK of 2023 dated 31.08.2023**, wherein the fixation of the rent came to be set out which is reproduced herein under for the facility of reference:-

S No	Deptt	Name of House Owner with parentage	Residence	Date of Occupation	Rate Schedule	Occupied area in (Sq. Fts)	Cate-gory	Rent approved by the Committee (PM)
01	Police	Harbhajan Singh S/o Baj Singh	Deedarpora Handwara	01/1999 to 31/01/2003	1998-99	595.46	D	Rs. 1114.00
				02/2023 to 31/02/2009	2003	595.46	D	Rs. 1536.00
				01/04/2009 to 31/03/2013	2009	595.46	D	Rs. 2800.00
				01/04/2013 to 30/10/2018	2013	595.46	D	Rs. 3000.00
				11/2018 to till date	2018	595.46	D	Rs. 3320.00

- 18.** The **order No. 162-DDCK of 2023 dated 31.08.2023** is bearing terms and conditions to be followed in the matter of making the payment of the rent at the approved rates.
- 19.** This Court, in terms of an order dated 21.02.2024, came to observe that SSP, Kuparwa, despite having received the sanction of the rent in terms of **order No. 162-DDCK of 2023 dated 31.08.2023**, has failed to report the compliance that is for making the payment of the rent and, therefore, directed his personal appearance along with the compliance.

- 20.** The direction so given in order dated 21.02.2024 resulted in a response that a demand draft of Rs. 7,09,490/- came to be prepared about which a mention is made in order dated 26.02.2024 and permission was sought for deposit of the said demand draft with the Registrar Judicial of this Court in the face of the fact that the Smt. Narlep Kour was not the sole legal heir of the writ petitioner Sardar Harbhajan Singh and, therefore, could not have been the exclusive recipient of the arrears of the rent.
- 21.** This Court, in terms of an order dated 26.02.2024, directed the respondent to deposit amount of Rs. 7,09,490/- in a fixed deposit with the Registrar Judicial of this Court which has taken place as is born out from the office noting dated 04.03.2024 confirming the deposit of an amount of Rs. 7,09,490/-.
- 22.** This is how the position is now obtaining in the present contempt petition.
- 23.** Smt. Narlep Kour has come forward with an application CM No. 4292/2024 for seeking release of the deposited amount.
- 24.** There is no doubt to the fact that the residential house premises of the original writ petitioner Sardar Harbhajan Singh continues to be in use and occupation of the

Jammu & Kashmir Police with recurring liability of payment of rent, but insofar as the case in hand is concerned it has come to an end of road as the amount purported to be up-to-date arrears till passing of **order No. 162-DDCK of 2023 dated 31.08.2023** are said to have been paid and lying in deposit with this Court.

25. Since, in her application for bringing on record herself as legal representative of the original writ petitioner Sardar Harbhajan Singh, as being his widow, Smt. Narlep Kour did not divulge as to whether she and Sardar Harbhajan Singh have any children and if there are, how many and whereabouts, as such, this Court cannot order release of the deposited rent amount exclusively in favour of the petitioner- Smt. Narlep Kour and that is the reason that this Court in terms of an order dated 18.10.2024 had called upon the petitioner - Smt. Narlep Kour to get the affidavits of all the legal representatives of deceased writ petitioner -Sardar Harbhajan Singh attested before concerned Magistrate to register their no objection/s in release of the deposit rent amount in favour of the petitioner - Smt. Narlep Kour.

26. Requisite affidavits have not come forward. Therefore, this Court closes this contempt petition on account of the

fact that the command of the Court order has not been carried out in compliance.

27. Amount deposited shall remain in deposit unless and until a duly issued succession certificate is produced by the legal representatives/heirs of the deceased writ petitioner–Sardar Harbhajan Singh in seeking the release of the deposited rent amount along with the interest as the same is lying in the fixed deposit before this Court.

28. Contempt petition is accordingly, ***disposed of***.

JAMMU
30.05.2025
SUNIL



(RAHUL BHARTI)
JUDGE

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No