

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

**CCP(S) 19/2025
In WP(C) 2373/2022**

Vijay Kumar.

...Petitioner(s)

Through: Mr. Imtiyaz Ahmad Sofi, Advocate.

Vs.

Ayushi Sudan & Ors.

...Respondent(s)

Through: Mr. Waseem Gul, GA for R-1.
Mr. Bikramdeep Singh, Dy. AG with
Ms. Nowbahar, Assisting Counsel for R-2 and 3.

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

ORDER

31.05.2025

01. The instant contempt petition arises out of Order/ judgment passed by this Court on 24th May, 2024 in WP(C) 2373/2023, by virtue of which, the writ petition preferred by the petitioner was allowed in the following manner:

“6. In view of aforementioned submission, no purpose would be achieved by keeping this writ petition pending on board and the same is, accordingly, disposed of with a direction to respondents to take necessary steps to finalize the process of assessing and fixing of appropriate rent as per the schedule revised from time to time and pay the same to the petitioner.

7. Let this exercise be completed by the respondents within a period of three months from the date copy of this order is served upon them.”

02. Upon being put to notice, respondent No. 1-Deputy Commissioner, Kupwara, filed the statement of facts, in which a specific stand has been taken that in pursuant to order of this Court, a meeting was held in the office of Deputy Commissioner, Kupwara on 27th February, 2025, and rent of the petitioner was assessed and same was fixed vide order dated 10th March, 2025.

03. While filing the statement of facts, the respondent-Deputy Commissioner has placed on record Order dated 10th March, 2025 bearing No. 313-DDCK of 2025 dated 10th March, 2025, a perusal whereof reveals that the name of the petitioner figures at Serial No. 8 in the said order and the rent which has been assessed and approved by the Committee is as under:

S. No.	Department	Name of the House Owner with Parentage	Residence	Date of Occupation	Occupies in area in (Sfts)	Rent Approved by the Committee (PM) Remarks
08.	Home Department	Shri Vijay Kumar	R/O Kherman Hanood Handwara	01.06.1998 to 31.01.2003	1089.76 sft	Rs. 1800.00
				01.02.2003 to 14.03.2009	1089.76 sft	Rs. 2500.00
				15.03.2009 to 31.03.2013	1089.76 sft	Rs. 4500.00
				01.04.2013 to 30.09.2018	1089.76 sft	Rs. 5000.00
				01.10.2018 to till date	1089.76 sft	Rs. 5600.00

04. Pursuant thereto, the aforesaid order regarding the rent assessment in respect of the petitioner's property has been forwarded to the Senior Superintendent of Police, Kupwara, for further implementation.

05. Whatever was required on part of the Deputy Commissioner, Kupwara, has already been done and now the rent is required to be paid by the representative of the Home Department i.e. Senior Superintendent of Police, Kupwara and till date, according to Mr. Imtiyaz Ahmad Sofi, the learned counsel appearing on behalf of the petitioner, the Order has not been complied with in its letter and spirit.

06. Mere assessment of rent by the competent authority does not mean that same has been paid to the petitioner, as there was a specific direction passed by this Court to assess the rent and also pay the same to the petitioner as well.

07. Mr. Imtiyaz Ahmad Sofi, learned counsel for the petitioner submits that insofar as the assessment of the rent is concerned, the same has been done, but the rent has not been paid to the petitioner and thus, according to Mr. Sofi, the respondents are in recurring contempt, as they have not implemented the order in *toto*.

08. Confronted with the same, Mr. Bikramdeep Singh, learned Deputy Advocate General on the asking of the Court has caused appearance on behalf of Respondents 2 and 3.

09. Accordingly, Mr. Bikramdeep Singh, learned Deputy Advocate General is directed to ensure release of rent which has been assessed by the competent authority, in favour of the petitioner, within a period of four weeks from today, subject to fulfilment of codal formalities, if any required.

10. In view of the above, nothing remains to be adjudicated any further in the instant contempt petition as the Order/judgment stands complied with partially. Accordingly, the proceedings in the instant contempt petition are **closed**. Rule, if any, shall stand **discharged**.

11. It is made clear that in case the rent which has been assessed by the competent authority i.e. Deputy Commissioner, Kupwara, is not paid to petitioner within the aforesaid period, in that eventuality, the petitioner shall be at liberty to seek revival of the instant contempt petition and in that eventuality, this Court shall be constrained to initiate coercive measures against the respondents.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:
31.05.2025

"HAMID"