

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(S) 68/2021 in[OWP 655/2017]

SHAHEENA HUSSAIN

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

Through: Ms. Nighat Amin, Advocate vice
Mr. Bhat Fayaz, Advocate

Vs.

PAWAN KOTWAL AND ORS. (REVENUE
DEPARTMENT)

...Respondent(s)

Through: Mr. Waseem Gul, GA

CORAM:HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

03-12-2025

1. By the present petition, the petitioner alleges non-compliance of judgment dated 17.05.2017 whereby writ petition OWP No. 655/2017 was disposed of by directing the Deputy Commissioner, Srinagar, Divisional Commissioner, Kashmir, Commissioner, Srinagar Municipal Corporation, and the Tehsildar, Shaltang, Srinagar, all collectively and individually, to visit Survey No. 105 situated at Baginand Singh, Chattabal and verify the revenue records, and if any person was found in unauthorized occupation of Government land, to take appropriate action as per law. It was further directed that the issue raised by the petitioner concerning illegal construction by encroaching Government land be considered and appropriate action be taken as per law, with a compliance report to be submitted to this Court through the Registrar Judicial within four weeks from the date of receipt of the order. Before parting, the Court also observed that in order to avoid allegations of violation of principles of natural justice, proper notices shall be issued to the persons concerned, if any action is proposed, so as to enable them to show their right of occupation.
2. It is very strange that the judgment of the learned writ court, which was required to be complied with within four weeks from the date of its receipt, has not been complied with even after the lapse of eight

years, despite the fact that the instant contempt petition has been pending adjudication before this Court since 2021.

3. What to talk of complying with the judgment of the learned writ court in its letter and spirit, the respondents have even chosen not to file any statement of facts in this petition. An inference, therefore, can legitimately be drawn that the respondents are, in a way, shielding the persons who may have encroached upon the State land.
4. Mr. Waseem Gul, learned GA, when confronted with the observations of the Court recorded hereinabove, assures the Court that the respondents shall comply with the judgment of the learned writ court in its letter and spirit, and accordingly seeks two weeks' further time so that the directions of the learned writ court are brought to its logical conclusion by implementing the judgment in toto and by way of submitting the fresh compliance report before the learned Registrar Judicial, Srinagar, as directed.
5. In light of the assurance extended by learned counsel for the respondents, no fruitful purpose would be served by keeping this petition pending. Accordingly, the proceedings in the present petition are **closed**. Rule, if any, shall stand discharged.
6. This Court, however, makes it clear that in case the judgment of the learned writ court is not complied with within the extended period of two weeks, the petitioner shall be at liberty to seek revival of this contempt petition, and in that eventuality, this Court would be constrained to initiate coercive measures against the respondents.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
03-12-2025
Mubashir