

Serial No.10
Regular cause list

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

OWP No. 536/2014

Woodland Manmal Pahalgam kashmir

..... Appellant/petitioner(s)

Through: -

Mr.Sajad Ahmad Mir, Advocate

V/s

State of J&K and Ors.

..... Respondent(s)

Through: -

Mr. Alla-u-din Ganie, AAG with Ms. Shaila Shameem, Advocate.

Mr. T. M. Shamsi, DSGI.

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

(ORDER)

24.02.2025

1. The instant petition having regard to the facts and circumstances of the case is taken up for final disposal with the consensus of the learned counsel for the parties. The short grievance of the petitioner as projected through the medium of the instant writ petition filed under the provisions of Article 226 of the Constitution of India is that his semi-furnished hotel Woodlands at Mamal Pahalgam came to be occupied by the Army Personnel belonging to 143 Battalion Field Regiment on emergency basis for a brief period of four months with effect from May, 2007 to September, 2007 in connection with their deployment during the SANJY 2007, without paying him any penny on account of rent.
2. It is the case of the petitioner that since 2007, he has been moving from pillar to post before different officers of district administration, police and Army in connection with the payment of due rentals to him but he has been paid a deaf ear which constrained him to approach this Court for vindication of his rights.

3. The respondents have filed their replies which are on the record. In the light of the perusal of the replies of all the respondents in juxtaposition, it is clearly evident that the semi-furnished hotel of the petitioner at Mamal Pahalgam came to be temporarily occupied by the Army belonging to 143 Battalion Field Regiment in connection with their accommodation for performance of their duties during the SANJY 2007.
4. The respondents Tourism Department has also clarified the issue raised before this Court as per previous order dated 05.02.2025 by stating that the subject hotel as per their registration record belongs to the petitioner.
5. The petitioner is duly entitled under law for the rentals during the period of occupation of his hotel by the concerned Army Battalion. Union of India through Defence Estates Officer, BB Cant. Srinagar, came to be impleaded in the matter as respondent No. 9 during the proceedings.
6. There is nothing on record suggestive of the fact that the said hotel accommodation was provided to the personnel of 143 Battalion Field Regiment by the District Administration or District Police, Anantnag on the basis of any order/communication.
7. In the facts and circumstances of the case, this Court is of the opinion that the liability to pay the due rentals to the petitioner for the aforementioned period of occupation of the petitioner's hotel is of the Union of India through Defence Estates Officer.
8. Accordingly, the instant writ petition is disposed of at this stage with a direction to respondent No. 9 i.e., Union of India through Defence Estates Officer, BB Cant. Srinagar to pay the due rentals to the petitioner on account of the occupation of his hotel i.e., Hotel Woodland at Mamal

Pahalgam during the period 25th of May to 10th of September by 143 Battalion Field Regiment of Army in connection with their accommodation for performance of duties during the SANJY 2007.

9. Respondent No. 6- Deputy Commissioner, Anantnag, shall provide all assistance to the Defence Estates Officer, Srinagar in connection with the assessment of the rent due to of the petitioners.

10. The respondent No. 9 i.e., Defence Estates Officer, BB Cant. Srinagar shall pay the due rentals to the petitioner as assessed as per the applicable rules within a period of two months having regard to the fact that the hotel of the petitioner was occupied way back in the year 2007.

11. Disposed of.

**(MOHD YOUSUF WANI)
JUDGE**

SRINAGAR
24.02.2025
"Shaista-PS"