

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

**WP(C) 1199/2022
c/w (i)CCP(S) 432/2022
(ii)CCP(S) 527/2023**

Mushtaq Ahmad Siraj.

...Petitioner(s)

Through: Mr. Faisal Javed, Advocate

Vs.

Union Territory of J&K and Others.

...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA.

CORAM:

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

ORDER

13.05.2025

WP(C) 1199/2022:

01. The only grievance which has been raised by the petitioner in the instant petition is with regard to the payment of rental amount to the tune of Rs. 581250/- which has not been paid to the petitioner.

02. The learned counsel for the petitioner submits that private house of the petitioner had been acquired by the Estates Department and a valid allotment order was issued in his favor. The learned counsel further submits that two sets of the petitioner had been taken on rent by the respondents initially and subsequently hired by the respondents with effect from 1st November, 2018 up to 30th

April, 2019 and 1st November, 2019 to 31st October, 2020 vide Government order Nos. 78-Est of 2019 dated 26th November, 2019 and the rent had been fixed @ Rs. 23,250/- per set per month and the rented accommodation was availed by the respondents, besides availing all the ancillary facilities related therewith.

03. The learned counsel for the petitioner has drawn attention of this Court to the statement of facts filed by the respondent in the contempt petition bearing CCP(S) No. 432/2022, which has been clubbed with the instant writ petition, whereby the respondents have specifically admitted the averments pleaded by the petitioner in the instant petition and there is no specific denial on part of the respondents. For facility of reference, Paragraph 4 of statement of facts is reproduced as under:

“That in view of the above directions of Hon’ble Court the answering respondent submits that two sets of private House petitioner Mr. Mushtaq Ahmad Siraj located at Rajbagh area of Srinagar were hired by Estates Department vide Order No. 78-Est of 2019 dated 26-11-2019 w.e.f. 01.05.2019 to 31-10-2019 on payment of rent as admissible under rules and was allotted to Mr. Kafeel Ferozi, Divisional Architect, Smar City Project and Mr. Neeraj Sharma, Assistant Director General Foreign Trade (copy of hiring/extension order is enclosed as annexure-I). However, the payment for the remaining period of the house in which one set was under the occupation of Mr. Kafeel Ferozi, Divisional Architect, Smart City Project w.e.f 01-11-2018 to 30-04-2019 and 01-11-

2019 to 30-11-2019 and another set was under the occupation of Mr. Neeraj Sharma, Assistant Director General Foreign Trade w.e.f 01-11-2018 to 30-04-2019 and 01-11-2019 to 31-10-2019 remained un paid for the want of hiring /allotment order and due to change in allotment norms of private houses (issued vide Government Order No. 36-Est of 2019 dated 22-04-2019).”

04. According to the learned counsel for the petitioner, an amount of Rs. 581250/- is outstanding against the respondents, which has not been denied by the respondents while filing statement of facts in the contempt petition.

05. The petitioner has computed the amount of Rs. 581250/- payable to the petitioner, taking into account the rent @ Rs. 23,250/- per month. The learned counsel for the petitioner has drawn the attention of this Court to the allotment order issued by the Estates Department dated 18th January, 2021, with regard to the hiring/extension of private houses hired/utilized by the Estates Department, a perusal whereof reveals that insofar as the private houses of the petitioner are concerned, the respondents have fixed the rate @ Rs. 23,250/- per month.

06. At this stage, Mr. Ilyas Nazir Laway, learned Government Advocate has drawn the attention of this Court to the Government Order No. 78-Est of 2019 dated 26th November, 2019, by virtue of which, post fact sanction has been accorded for hiring of private houses at Srinagar and their allotment in favour of various Dignitaries/Civil/Police

Officers, for the period indicated against each, which order has been issued by the Estates Department, in which payment on account of rent of the private houses/sets, was directed to be paid strictly, which has been/shall be assessed and fixed by the SLRAC or as per the rent shown against each, whichever is lower.

07. From a perusal of the aforesaid order, it clearly transpires that insofar as the two sets of the petitioner are concerned, the rent for the same has been fixed as Rs. 20,000/- per month, per set and thus, the assertion of Mr. Laway, the learned Government Advocate that the rent @ Rs. 20,000/- was liable to be paid to the petitioner, is factually correct and as per the record.

08. In view of the above, no fruitful purpose would be achieved by keeping the instant writ petition pending and with the consent of the learned counsel for the parties, the same is disposed of at this stage by directing the respondent No. 2-Director Estates, Civil Secretariat, Jammu/Srinagar, to release the admitted rent @ Rs. 20,000/- per month for each set, in favour of the petitioner, within a period of six weeks from the date a copy of this order is served upon the said respondent. It is made clear that in case if the amount is not released in favour of the petitioner, within the aforesaid period, the petitioner will be entitled to interest @6% from the date the amount is due to the petitioner till its final realization.

09. Writ petition ***disposed*** of in the manner as indicated above.

CCP(S) 432/2022 c/w CCP(S) 527/2023:

10. Since the main writ petition stands disposed of, as such, nothing remains for adjudication in these contempt petitions. Accordingly, the proceedings in these contempt petitions are closed. Rule, if any, shall stand **discharged**.

11. A copy of this order be placed on each file.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

13.05.2025

"HAMID"

