

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

...
CCP(S) 400/2021 in
[OWP 906/2017]

ABDUL MAJEED WANI AND ANR.

.....Petitioner(s)

Through:
Mr. Ahmad Javid, Adv.

Versus

ARUN MEHTA AND ORS.

.....Respondent(s)

Through:
Mr. Faheem Nissar Shah, GA

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

ORDER
15.07.2025

1. The instant contempt petition arising out of an order/judgment dated 17.08.2017 passed in OWP No. 906/2017 by virtue of which the writ petition preferred by the petitioners was disposed of in the following manner:

“The writ petition is disposed of with a direction to the Deputy Commissioner, Anantnag to hold inquiry in presence of Defence Estate Officer on all the above issues. An opportunity of hearing to the two petitioners shall be provided to plead their claim. The quantum of balance rent and the compensation that the petitioners will be entitled to as per such determination can be paid thereafter. The entire process should be concluded within a period of 12 weeks from the date of receipt of this order.”

2. Since the aforesaid order was not complied with, within the period granted by this court, the petitioner preferred the instant contempt petition in which notice was issued way back on 08.09.2021.

3. The record reveals that various statement of facts/compliance reports were filed on behalf of the respondents and the latest compliance report which has been drafted on behalf of the Deputy Commissioner, Anantnag, was not accepted by the Registry, however, the copy of the same has been furnished to this court which has been taken on record.
4. From a bare perusal of the latest compliance report which has been filed on behalf of the Deputy Commissioner, Anantnag, a specific stand has been taken that pursuant to order dated 12.04.2025, the constituted committee held a meeting on 28.04.2025, and the petitioners also participated in the said meeting. The Committee thereafter considering the entire issue and also after recording the statement of the petitioners, examining the photographs of the industrial units provided by the petitioners before the occupation by the security forces, comments from the concerned police, copies of the FIRs and the observation made at the time of the physical visit to the said industrial units came up to the following conclusions:

- a. *“The damages to the industrial units of the petitioners were caused by some unknown miscreants on 07.04.1995-08.04.1995 and 24.06.1995-25.06.1995, before the occupation of the same by the security forces on 15.07.1995, which is clear from the FIRs and the statements made by the petitioners as well as by the concerned Police.*
- b. *That immediately after the industrial units of the petitioners were damaged by some unknown miscreants, the occupation of the same was taken over by the security forces and nothing has been put on the record by the petitioners that they have made any repairs to the said industrial units after the said damages by some unknown miscreants and before the occupation of the same by the security forces, which is also evident from the fact*

that the petitioners even failed to register an FIR immediately after the incident and the FIR No. 298/1995 dated 21.08.1995 was registered in Police Station Anantnag, on the written complaint of the petitioners, after a gap of 56 days from the said incident, that is after the security forces had already taken over the possession of the said industrial units. It is pertinent to mention here that the petitioners during the enquiry held in compliance to the directions of the Hon'ble High Court vide order dated 17.08.2017 in OWP No. 906/2017 have also failed to submit any inventory with respect to their industrial units prior to the occupation of the same by the Security Forces.

- c. That the damages as assessed by the Superintending Engineer PWD(R&B) Circle Anantnag/Kulgam dated 10.09.2018, which stands submitted by the Deputy Commissioner Anantnag to the Sr. Superintendent of Police by virtue of the order No. 59/DCA/Lit/018 dated 13.12.2018, cannot be construed as the damages caused to the said industrial units due to wear and tear by the security forces during their occupation, particularly when the said industrial units were already damaged, immediately before the occupation by the security forces.*
- d. That since the security forces occupied the industrial units of the petitioners immediately after the damages caused by some unknown miscreants as such any damage to the already damaged industrial units by the wear and tear during occupation of the security forces could not be ascertained. ”*

5. Thus, the Committee in conformity with the order/judgment passed by this court concluded that the damages as assessed by the Superintending Engineer PWD(R&B) Circle Anantnag/Kulgam dated 10.09.2018 does not in any manner constitute to the damages to the industrial units of the petitioners during the occupation of the security forces, but in actual is the assessment of the loss/damage occurred to the said industrial units by some unknown miscreants from the

occupation of the security forces, but assessed only after the vacation of the said industrial units by the security forces. The Committee thereafter submitted the enquiry report to the Deputy Commissioner, Anantnag vide communication dated 18.06.2025, which enquiry report has been placed on record along with the compliance report.

6. Thus, in the light of the stand taken by the respondents by virtue of the fresh compliance report and also in the light of the recommendations of the enquiry committee, this court is of the view, that the order/judgment passed by this court has been partially complied and not in toto.

7. The judgment insofar as the conducting of the enquiry in presence of the Defence Estates Officer and also providing an opportunity to the petitioners is concerned, stands complied with. Even the respondents have also recorded a finding with regard to the compensation in the enquiry conducted which has been placed on record along with the compliance report, but insofar as the release of the balance rent is concerned, the same has not been done as on date. Thus, no fruitful purpose would be served to keep this contempt petition alive and accordingly, Mr. Faheem Shah, learned GA appearing on behalf of the respondents assures the court that the judgment to the extent of release of balance rent is concerned, if any, shall be complied with within a period of four weeks from today positively.

8. In the light of the statement made by Mr. Faheem Shah, learned GA appearing on behalf of the respondents and the assurance extended, the proceedings in the instant contempt petition is closed. Rule, if any,

shall stand discharged. However, the judgment to the extent of assessing of the balance rent is concerned, if not complied within the aforesaid period, then the petitioners will be at liberty to revive the instant contempt petition and in that eventuality, the court will be constrained to initiate coercive measures against the respondents.

9. The contempt petition is **disposed of** in the manner as indicated above.

(WASIM SADIQ NARGAL)
JUDGE

Srinagar
15.07.2025
"SAKEENA-PS"

