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Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(S) 489/2023 in
[OWP 754/2014].

ABDUL MAJID KHAN AND ANR.

...Petitioner(s)

Through: Mr. Hamza Prince, Advocate with
Ms. Urba Naseer, Advocate.
Mr. Sajid Ahmad Bhat, Advocate.

VERSUS

SYED ABID RASHID SHAH AND ORS.

Through: Ms. Nadia Abdullah, Assisting Counsel vice
Mr. Mohsin Qadiri, Sr. AAG for R1 to 4.
Ms. Mahapara, Assisting Counsel vice
Mr. T. M. Shamsi, DSGI.

...Respondent(s)

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

06.08.2025

01. Writ petition **OWP No. 754/2014** filed by two petitioners came to be disposed of by this Court in terms of an order dated **19.05.2023** whereby the writ respondents therein stood directed to act in

compliance with mandate of the Hon'ble Supreme Court of India's judgment in the case of "**B. K. Ravichandra & Ors, v. Union of India and Ors.**", reported as **(2020) 12 SCALE 476** relatable to a case under the Requisitioning and Acquisition of Immovable Property Act, 1952 and further to proceed in the matter strictly in accordance therewith within a period of four months till which time to continue to pay the rentals to the petitioners as already being paid to them from the writ respondents' end.

02. Against said order dated **19.05.2023** of the writ court, the Union of India, one of the writ respondents, preferred an **LPA No. 211/2023** which came to be disposed of by the Hon'ble Division Bench in terms of an order dated **13th November, 2024** with the following observations, with the operative part reading as under:

"Viewed from any angle, we find no infirmity in the impugned Order and Judgment passed by the Writ Court. This appeal is found to be without any merit and is, accordingly,

dismissed along with the connected CM. The Appellant-Union of India shall initiate the process for acquisition of the lands in question within a period of four weeks and make an endeavour to conclude the same within six months thereafter. If the Appellant-Union of India needs any extension in the time period stipulated in this Order for purpose of acquisition of the lands of the Respondents herein, they shall approach this Court for the said purpose.”

03. The institution of this contempt petition came to take place on **22.11.2023** when aforesaid letters patent appeal No. 211/2023 had only come to be filed but not yet decided.
04. In present contempt petition, the petitioners plead that the contemnors named at their end have failed to go by the timeline given by the writ court in its order dated **19.05.2023**.
05. The timeline given by the writ court in its order dated **19.05.2023** was specific only in the context of

writ respondents to proceed in the matter within a period of four months but without putting any preemptive direction for the exercise directed to be initiated within period of four months.

06. It is only the Hon'ble Division Bench which, in its order dated **13th November, 2024**, came forward with time schedule and also provided a window of opportunity not only for the petitioners but also for the Union of India and all the concerned that if not being able to carry forward the compliance as directed within the given period then further extension of time to be sought from the Hon'ble Division Bench.

07. From the contemnors/respondents' end, Statement of Facts and Status Reports have come forward.

08. One Statement of Facts is by the Chief Executive Officer, Sonamarg Development Authority stating therein that the Chief Executive Officer, Sonamarg Development Authority is trying his best efforts to implement the directions of the writ court, whereas

on behalf of the writ respondent No. 5, i.e., the Union of India through Defence Estate Officer, two status reports dated **11.11.2024** and **29.07.2025** have come to be filed.

09. In the latest status report filed on **29.07.2025**, in its para 5, 6 and 10, the respondent No. 5 has come forward apprising this Court about the process set into effect which is aiming and meaning towards compliance not only of the writ court direction but also of the Hon'ble Division Bench but with a caveat that the exercise is going to be a bit stretched one before attaining finality.

10. When this Court peruses the order of the Hon'ble Division Bench, an understanding immediately rushes to notice that it is the Hon'ble Division Bench which has reserved to itself the power to grant extension of time otherwise provided to be six months. Therefore, for this Court in its contempt jurisdiction, to chase the contemnors/respondents with compliance would be overreaching the indulgence of the Hon'ble Division

Bench which in the event of the contemnors approaching the Hon'ble Division Bench with the extension of time and getting favoured in that respect would be cancelling any indulgence of this Court to the contrary for all intents and purposes.

11. Otherwise also, the petitioners can come forward with a fresh contempt petition alleging that there is a non-compliance of the directions of the Hon'ble Division Bench granting timeline and for that purpose the contempt petition can also be maintained before the Hon'ble Division Bench itself, if not before the Single Bench.

12. In the light of this, this contempt petition is **disposed** of with liberty reserved in favour of the petitioners to come up with a fresh contempt petition in the light of the Hon'ble Division Bench's Order dated **13.11.2024** passed in **LPA No. 211/2023**.

(Rahul Bharti)
Judge

SRINAGAR
06.08.2025
Bisma