

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

**Case No: WP(C) No. 71/2022
CM No. 1890/2026**

*Reserved on : 08.09.2026
Pronounced on : 18.09.2026
Uploaded on: 18.09.2026*

Om Parkash Shan, age 78 years
S/O Sh. Dharm Singh,
R/O Village Kukerwas,
Tehsil Dhrabshalla,
District Kishtwar.

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

Through: Mr. Achal Sharma, Advocate

Vs.

1. UT of J&K through Commissioner/
Secretary, Animal/Sheep Husbandry
Department, Civil secretariat,
Jammu/ Srinagar.
2. Director,
Sheep Husbandry Department,
Jammu.
3. District Sheep Husbandry
Department, Kishtwar.
4. Deputy Commissioner, Kishtwar.

.... Respondent(s)

Through: Mr. Suneel Malhotra, GA

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1. The petitioner, through the medium of the present petition, has sought a direction upon the respondents to release the assessed rent in his favour in respect of the house comprising three rooms and one

verandah, situated at Village Kukerwas, Tehsil Dhrabshalla, District Kishtwar.

2. According to the case of the petitioner, the Sheep Husbandry Department started a Sheep Extension Centre at Loundri in the year 1976, and the said Centre started functioning in the house belonging to the father of the petitioner. In January 1982, the Centre started functioning in a pucca house/building belonging to the petitioner, and by that time, he was separated from the family. It has been submitted that the respondent-department was occupying three rooms and one verandah of his house. When the rent was not being assessed by the respondents, the petitioner approached them, whereafter, vide communication dated 19.04.2014, respondent No. 3 made a request to the Executive Engineer, R&B Division, Kishtwar, to assess the rent of the building with effect from 01.01.1982. Along with the said communication, a rough sketch of the building in occupation of respondent No. 4 was also annexed. Pursuant thereto, respondent No. 2, who happens to be the Chairman of the District Rent Assessment Committee, made assessment of the rent in respect of the building of the petitioner vide its communication bearing No. DCQ/SQ/525-49/14 dated 22.09.2014. Vide the said communication, the District Rent Assessment Committee made an assessment of 31 buildings, including the building of the petitioner, which was occupied by the respondent-department.
3. It has been submitted that vide communication dated 20.04.2015, respondent No. 3 brought to the notice of respondent No. 2, the order regarding assessment of the rent made by the District Rent

Assessment Committee with a request to settle case of the petitioner. It has been further submitted that despite clear-cut recommendations, the assessed rent was never released in favour of the petitioner, which prompted him to approach the respondents as well as the Minister concerned, seeking release of the arrears of rent. When nothing was done by the respondents, the petitioner was compelled to file the instant writ petition.

4. The respondents have filed objections to the writ petition, in which it has been submitted that the rent in favour of father of the petitioner, Shri Dharam Singh, was drawn for the period from January 1982 to February 2000. While admitting the authenticity of the documents placed on record by the petitioner along with the writ petition, the respondents have submitted that the question of assessment and payment of rent in favour of the petitioner does not arise, as the amount due to the petitioner has already been paid to him and the premises was vacated in the year 2016.
5. It seems that during pendency of the writ petition, the respondents sought permission to file a supplementary affidavit along with the documents. The permission was accorded, and the respondents filed the supplementary affidavit along with the documents annexed thereto.
6. In the supplementary affidavit, the respondents have submitted that when the petitioner approached for release of house rent in respect of the accommodation occupied by the respondent-department for the establishment of Sheep Extension Centre at Loundri with effect from January 1982 to March 2016, a Committee was constituted by

Director, Sheep Husbandry Department, Jammu, vide Order No. 02-SHDJ of 2018 dated 03.04.2018, to conduct a thorough inquiry into the matter. It has been submitted that the Committee conducted a thorough inquiry into the matter, and its members also visited the area on 16.04.2018 and 17.04.2018. As per the report of the Committee, the Sheep Extension Centre, Loundri, is presently functioning in the house of Nissar Ahmed, as the Centre was shifted from the house of the petitioner on 30.03.2016 on public demand.

7. It has been submitted that, after verifying the available records, it was revealed that the rent had been released in favour of Dharam Singh, Mohan Lal and Om Parkash from time to time. According to the respondents, the rent for the period from January 1982 to February 2000 has been released in favour of Dharam Singh, father of the petitioner, whereafter, on the basis of the attorney dated 25.02.1997 executed by Dharam Singh in favour of his son, namely, Mohan Lal, the rent was released in favour of Mohan Lal, who happens to be the brother of the petitioner, with effect from March 2000 to May 2012. It has been further submitted that the rent with effect from June 2012 to March 2016 has been released in favour of the petitioner. A copy of the disbursement sheet has been annexed with the supplementary affidavit.
8. According to the respondents, during the inquiry, the petitioner produced the title verification certificate issued by the Tehsildar, Drabshalla, dated 14.08.2015, and as per the said certificate, three rooms and one verandah of the house of the petitioner were under the occupation of the Sheep Husbandry Department. He produced a copy

of the attorney executed by Mohan Lal in his favour on 07.01.2018. It has been submitted that the District Sheep Husbandry Officer, Kishtwar, vide communication dated 24.02.2016, intimated that only one room was occupied by the Department and that the rent had been drawn in respect of the building at the rate of Rs. 95/- per month up to March 2016. It has also been submitted that the District Sheep Husbandry Officer, Kishtwar, had issued instructions to all the employees posted at different Sheep Husbandry Centres to vacate all such accommodations where the rent exceeded Rs. 300/- per month.

9. I have heard learned counsel for the parties and I have also gone through the pleadings and the documents placed on record by the parties.

10. From the pleadings of the parties and the documents placed on record, it comes to fore that the premises belonging to the petitioner/his family, which includes his father and brother, situated at Loundri, was occupied by the respondent-department for operating the Sheep Extension Centre with effect from January 1982. To this extent, there is no dispute between the parties.

11. According to the respondent-department, only one room of the premises was occupied by it for operating the said Centre, whereas it is the positive case of the petitioner that the Centre was functioning from three rooms and one verandah of the building belonging to the petitioner. To substantiate this fact, the petitioner has placed on record a copy of the communication dated 19.04.2014 addressed by respondent No. 3 to the Executive Engineer, R&B Division, Kishtwar, which is accompanied by a rough sketch of the portion of the building

occupied by the respondent-department. In the said rough sketch, it has been certified that the department has occupied three rooms and one verandah for the Sheep Extension Centre, Loundri, belonging to the petitioner. The certificate is signed by the District Sheep Husbandry Officer, Kishtwar, and is countersigned by the Assistant Executive Engineer of the concerned Sub-Division. In the objections filed by the respondents, the authenticity of this communication has not been disputed by them.

12. While filing the supplementary affidavit, the respondents have taken a stand that, as per the report of the Stock Assistant, Sheep Extension Centre, Loundri, only one room has been occupied by the respondents, regarding which the rent has been disbursed up to March 2016. The respondents have also placed on record a copy of communication dated 24.02.2016 of the District Sheep Husbandry Officer, Kishtwar, according to which instructions have been issued to the employees posted at different Sheep Extension Centres to vacate all such accommodations where the rent exceeds Rs. 300/- per month.

13. The respondents, without disputing the authenticity of the communication dated 19.04.2014 issued by respondent No. 3 and the certificate of occupancy annexed thereto, cannot now take a different stand and claim that only one room was under their occupation. The respondents may have issued instructions to their officials to vacate those premises where the monthly rent is more than Rs. 300/- per month, but those instructions, it seems, were issued in February 2016, and by that time, as per the material on record, the authenticity whereof has not been disputed by the respondents, the respondent-

department had continued to occupy three rooms and one verandah of the building belonging to the petitioner right from the year 1982 up to the date of its vacation in March 2016.

14. Apart from the above, the District Rent Assessment Committee, Kishtwar, which is headed by the Deputy Commissioner, Kishtwar, had assessed the rent in respect of the premises of the petitioner, which was under the occupation of the Sheep Husbandry Department. The assessment was made vide order dated 22.09.2014 on the basis of the occupancy certificate issued by the respondent-department. As per the said order, the rent in respect of the premises of the petitioner was approved at the rate of Rs. 120/- per month with effect from 01.01.1982 to 31.12.1986, @ Rs. 190/- per month with effect from 01.01.1987 to 30.11.1994, @ Rs. 460/- per month with effect from 01.12.1994 to 28.02.1999, @ Rs. 680/- per month with effect from 01.03.1999 to 31.03.2002, @ Rs. 930/- per month with effect from 01.04.2002 to 30.11.2005, @ Rs. 1,210/- per month with effect from 01.12.2005 to 31.05.2010, @ Rs. 1,730/- per month with effect from 01.06.2010 to 31.05.2013, and Rs. 2,510/- per month with effect from 01.06.2013 onwards. The authenticity of this document is also not in dispute.

15. On the basis of the aforesaid rent assessment report, respondent No. 3 made a recommendation to respondent No. 2 to release the balance amount of rent in favour of the petitioner and to allocate the funds in this regard. In fact, in the said communication, respondent No. 3 made a reference to the report of his predecessor with regard to the occupancy of three rooms and one verandah of the house of the

petitioner by the respondent-department since the year 1982. Along with the said communication, respondent No. 3 annexed the Due Drawn Statement of Sheep Extension Centre, Loundri, in respect of the rent of the petitioner, according to which an amount of Rs. 2,82,020/- was outstanding on account of rent in terms of the rent assessment made by the District Rent Assessment Committee, Kishtwar. While compiling the said statement, respondent No. 3 took into account the amount of rent already disbursed in favour of the petitioner.

16.On the basis of the aforesaid overwhelming material on record, comprising official communications addressed by the respondent-department and the report of the District Rent Assessment Committee, the mere denial of claim of the petitioner by the respondents on the basis of the report of the Committee constituted in the year 2018, after the premises had already been vacated by the respondent-department, is of no value. It is true that the petitioner and his family members have received the rent in respect of the premises in question from January 1982 to March 2016, but the said rent was assessed on the basis of the pre-revised rates and on the basis that only one room was in occupation of the respondent-department. The petitioner, in view of the material on record, is entitled to receive the balance amount of rent at the enhanced rates as assessed by the District Rent Assessment Committee vide its order dated 22.09.2014 for three rooms and one verandah, which, as per the material on record, were in occupation of the respondent-department.

17. Accordingly, the writ petition is **allowed**, and the respondents are directed to calculate the amount of rent due to the petitioner in terms of the order of the District Rent Assessment Committee dated 22.09.2014 for the period w.e.f. 01.01.1982 up to March 2016. After deducting the amount already paid to the petitioner/his family, the balance amount shall be paid to the petitioner after verification of his title. The entire exercise shall be conducted by the respondents within a period of two months from the date of this order. In case the amount due is not paid to the petitioner within the aforesaid period, the same shall carry interest @ 6% per annum from the date of filing of this writ petition till its realization.

18. **Disposed** of as above along with connected CM(s), if any.

(Sanjay Dhar)
Judge

Jammu
18.09.2026
Madan Verma-Secy

