

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CCP(D) No. 06/2026
CM No. 2619/2026

1. **J&K All India Taxi, Sumo, Tempo Union**
Through its President,
Jagjit Singh, Age 73 years,
S/o Mohinder Singh,
R/o Laxmi Nagar, Sarwal, Jammu

2. **S. Jagjit Singh, Age 73 years,**
S/o Mohinder Singh,
R/o Laxmi Nagar, Sarwal, Jammu

..... Petitioner/Appellant(s)

Through:- Mr. Anuj Dewan Raina, Advocate
Vs.

1. **Dr. Rakesh Minhas**
Deputy Commissioner, Jammu
2. **Sh. Joginder Singh**
Sr. Superintendent of Police, Jammu
3. **Sh. Amit Bhasin**
Sr. Superintendent of Police, Jammu

.....Respondent(s)

Through:- Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER

19.05.2026

1. Through the medium of the present contempt petition filed under Article 215 of the Constitution of India, the petitioners seek initiation of contempt proceedings against the respondents for non-compliance of judgment dated 10.07.2017 along with order dated 29.12.2011 passed in OWP No. 1280/2004 titled "*All India Taxi, Sumo, Tempo Union and another vs. State of J&K and others*".
2. The writ petition bearing OWP No. 1280/2004 was filed by the petitioners-J&K All India Taxi, Sumo, Tempo Union, which subsequently

came to be treated as a Public Interest Litigation. In the said PIL, various directions were sought regarding regulation of traffic management in Jammu City, removal of unauthorized parking stands and establishment of designated taxi stands.

3. During the pendency of this petition, vide order dated 29.12.2011, it was noted that five locations for Taxi Stands had been identified/notified to handover to the petitioners in allotment to prevent unauthorized parking. The Divisional Commissioner, Jammu was directed to pass appropriate orders for handing over the Taxi Stands to the petitioners and the petitioners were also directed to furnish the list of their members along with vehicle numbers so as to ensure proper regulation and prevention of unauthorized parking.

4. Thereafter, the PIL came to be disposed of vide judgment dated 10.07.2017 whereby various directions were issued relating to streamlining of traffic management, removal of encroachments, creation and upgradation of bus stands, control of vehicular pollution and creation of parking slots within Jammu City. The respondents were also directed to comply with the interim directions issued by this Court during the pendency of the writ petition.

5. It is submitted that pursuant to the aforesaid directions, Notification No. 11-MVD/P of 2012 dated 06.03.2012 came to be issued notifying various sites for parking of Taxi/Sumo vehicles. As one of the sites, i.e., near Railway Station, was not handed over, contempt proceedings were initiated and the aforesaid site was also handed over vide Notification dated 03.08.2022 for parking of five vehicles.

6. Learned counsel for the petitioners submits that the respondents have themselves acknowledged and implemented the arrangement of five taxi stands and they are operating from the same stands.

7. The respondents, in utter disregard to the same, have issued Order No. DMJ/LO/25-26/4681-89 dated 19.02.2026 regarding “*Regulation, Allocation of Bays & Counters, and Streamlining of Transport Operations at New JDA Bus Stand, Jammu*”. In terms of the aforesaid order, the top floor of the JDA Parking Facility (MLCP) has been designated as the exclusive operational zone for Taxi/Maxi/Tempo/Cab services operating in and around the Bus Stand area, while simultaneously prohibiting halting, parking, boarding and de-boarding from B.C. Road, Jewel Chowk, K.C. Chowk, Indira Chowk and adjoining areas. The order further provides for enforcement measures including challaning, towing and seizure of vehicles found operating outside the designated zone.

8. It is the contention of the petitioners that the aforesaid order dated 19.02.2026 defeats and nullifies the directions earlier issued by this Court regarding operation of the notified taxi stands and, therefore, amounts to intentional and deliberate disobedience of the orders passed by this Court.

9. According to the petitioners, despite issuance of legal notice calling upon the respondents not to interfere with the functioning of the notified taxi stands, the respondents have continued with the impugned action, thereby restraining the operation of the stands earlier identified pursuant to the directions passed by this Court.

10. The order dated 19.02.2026 has been issued by the District Magistrate, Jammu in exercise of powers under the Motor Vehicles Act,

1988 after detailed deliberations with various stakeholders including JDA, Traffic Police, Transport Department, JKRTC, Smart City authorities and representatives of Taxi/Tempo unions operating around the Bus Stand area. The object of issuance of the said order is regulation of traffic, decongestion and streamlining of transport operations in and around the Bus Stand area.

11. Amongst others, the aforesaid order provides for designation of exclusive operational zones for Taxi/Maxi/Tempo/Cab services operating in and around the Bus Stand area, B.C. Road and Old Bus Stand area. Paragraph-IV of the order further provides for prohibition of illegal parking and parallel stands, which reads as under:

“IV. Prohibition of Illegal Parking and Parallel Stands:

1. Taxi/Maxi Tempo Cab Service operator shall not halt, park, board or de-board passengers on B.C. Road, Jewel, K.C. Chowk, Indira Chowk, Bakshi Nagar, Super-Specialty Hospital area, Hari Singh Park area or adjoining areas except where specifically authorized.
2. No informal or temporary stand shall be permitted.
3. Strict action including challaning, towing and seizure shall be taken against violators.”

12. The petitioners are aggrieved of the aforesaid part of the order as according to them, pursuant to the assurances made by the respondents before this Court, five sites had been allocated/notified in their favour. According to the petitioners, issuance of the aforesaid order has been done in willful and deliberate disobedience of the orders passed by this Court and, therefore, contempt proceedings are required to be initiated against the respondents.

13. The PIL filed by the J&K All India Taxi, Sumo, Tempo Union came to be disposed of on 10.07.2017 with as many as eight directions. The said directions read as under:

“After hearing learned counsel for the parties at length and after perusal of the compliance reports submitted by the respondents from time to time and various orders passed by this Court, instead of keeping pending this writ petition, we, in our considered opinion, deem it appropriate to dispose of the same with the following directions:

1. That the concerned respondent(s) shall take steps to ensure that the School buses in the State shall run in accordance with the provisions of Motor Vehicle Act, 1988 and Rules framed thereunder.
2. The concerned respondent(s) shall ensure that the encroachment from the public roads are removed within a period of six months from today.
3. The concerned respondent(s) shall take effective steps to address the issue of traffic congestion in the Jammu city.
4. The concerned respondent(s) shall ensure that the Inter-state Bus Terminal is constructed in District Samba within a period of six months.
5. That the concerned respondent(s) shall ensure up-gradation of existing bus stands and construction of four new proposed bus stands within a period of six months.
6. The concerned respondent(s) shall also take effective steps to control the vehicular pollution in Jammu city.
7. The concerned respondent(s) shall take appropriate steps for making parking slots for the parking of vehicles in the Jammu City.
8. The concerned respondent(s) shall also comply with the interim directions issued by this Court in the writ petition within a period of six months from today.”

14. The petitioners are alleging willful disobedience of direction No. 7, whereby the respondents were directed to take appropriate steps for

making parking slots for parking of vehicles in Jammu City and it is submitted that in furtherance of the said direction, parking stands had been allotted/notified in favour of the petitioners. However, direction No. 3 of the judgment also directed the respondents to take effective steps to address the issue of traffic congestion in Jammu City.

15. The only question which arises for consideration is whether there is willful disobedience of the orders of this Court. The Hon'ble Apex Court in '**Ashok Paper Kamgar Union vs. Dharam Godha and others (2003) 11 SCC 1**', had an occasion to consider the concept of 'willful disobedience' of an order of the Court. It was stated that 'willful' means an act or omission which is done voluntarily and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or disregard the law. According to the Court, it signifies an act done with evil intent or bad motive for the purpose. It was observed that the act or omission has to be judged having regard to the facts and circumstances of each case.

16. On consideration of the aforementioned facts, we are satisfied that there is no willful or deliberate disobedience of the orders of this Court.

17. The next question is that the petitioners have approached this Court for initiating contempt proceedings after nearly eight years of passing of the judgment. This contempt petition is also not maintainable in view of the limitation of one year prescribed under the Contempt of Courts Act. Merely because the order dated 19.02.2026 has been passed would not extend the limitation or have any effect on the same.

18. The Contempt of Courts Act, 1971, contains a limitation clause within it. Section 20 of the Act being relevant is reproduced as under:-

“20. Limitation for actions for contempt - No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

19. The power to punish for contempt under the Act is granted for effective implementation of orders of the Court, but the same cannot be exercised beyond the period of limitation prescribed under Section 20 of the Act.

20. Keeping in view the aforesaid facts and circumstances and the nature of directions passed in the judgment dated 10.07.2017 and the subsequent order dated 19.02.2026, we do not find any willful or intentional disobedience of the orders passed by this Court so as to warrant initiation of contempt proceedings against the respondents.

21. Accordingly, no ground for initiating contempt proceedings is made out. The proceedings in the present contempt petition are, accordingly, closed. The petitioners shall, however, be at liberty to challenge order dated 19.02.2026, if so advised.

(Shahzad Azeem)
Judge

(Sindhu Sharma)
Judge

Jammu:

19.05.2026

Michal Sharma/PS

Whether the order is speaking :	Yes/No
Whether the order is reportable :	Yes/No