

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

**WP(C) No. 2347/2026
CM No. 5111/2026**

Shain Akhter

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

Through: Mr. H. A. Siddiqui, Advocate

vs

Union of India and ors.

..... Respondent(s)

Through: Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

**ORDER
31.07.2026**

1. The husband of the petitioner who was serving in CRPF has been declared as deserter in terms of order dated 14.11.2025. Thereafter, a notice came to be issued by the respondents in terms of Section 5 (1 and 2) of Public Premises (Eviction of Unauthorised Occupants) Act, directing the husband of the petitioner to show cause within a period of seven days, as to why he be not evicted from the Government Accommodation 193Type-Two, Group Centre Jammu, which was allotted to him on account of being on the rolls of CRPF.
2. The petitioner claims to have submitted a representation pursuant to the show cause notice mentioned above. Thereafter, the respondents directed the husband of the petitioner to evict the accommodation mentioned above within a period of 15 days from the date of issuance of notice i.e. by 05.08.2026.
3. Notice to the respondents.

4. Mr. Karan Sharma, CGSC waives notice.
5. Mr. H. A. Siddiqui, learned counsel for the petitioner has argued that the order impugned has been passed in utter disregard of principle of *audi alteram partem* and against the mandate of the Act (supra).
6. Per contra, Mr. Vishal Sharma, learned DSGI has submitted that the petitioner has no right to remain in occupation of the premises allotted to the husband of the petitioner on account of being a member of CRPF, as such, the present petition is utterly misconceived. He has further submitted that in fact no opportunity of hearing was required to be provided to the petitioner in particular and due notice was issued to the husband of the petitioner and thereafter the order of eviction was passed.
7. Heard.
8. This is an admitted fact that the husband of the petitioner has been declared deserter in terms of order dated 14.11.2025, meaning thereby, that despite being declaration of the husband of the petitioner as deserter, the wife of the petitioner has continued to remain in occupation of the premises in question for almost 8 months.
9. This Court is of the considered view that the petitioner has no right whatsoever to remain in occupation of the premises in question as the residential accommodation was provided to the husband of the petitioner on account of being a member of CRPF but as he has been declared as deserter, the petitioner cannot maintain this petition.

10. Accordingly, the present petition is **dismissed** and the petitioner is granted a period till 30.09.2026 to vacate the premises in question that too on the humanitarian grounds.

(RAJNESH OSWAL)
JUDGE

Jammu
31.07.2026
Neha-II

